


**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION
COMMITTEE REPORT**

1350 Pennsylvania Avenue, N.W., Washington, DC 20004

TO: All Councilmembers

FROM: Councilmember Anita Bonds 
Chairperson, Committee on Housing and Executive Administration

DATE: November 9, 2022

SUBJECT: Report on B24-0617, the “District Waterways Management Authority Establishment Act of 2022”, as amended and renamed the “Office of District Waterways Establishment Act of 2022”.

The Committee on Housing and Executive Administration reports **favorably** on B24-0617, the “District Waterways Management Authority Establishment Act of 2022”, as amended and renamed the “Office of District Waterways Establishment Act of 2022”, and recommends its approval by the Council of the District of Columbia.

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I. PURPOSE AND EFFECT

The purpose of B24-0617 is to establish an Office of District Waterways within the Department of Energy and Environment, which shall comprehensively plan, promote, advocate

for, and facilitate stakeholder cooperation for the diverse uses of and access to the District's waterways. The bill also establishes a District Waterways Advisory Commission, made up of various stakeholders and experts, which will develop and publish a District Waterways Advisory Plan to create a strategic vision for the District Waterways and adjacent property.

B24-0617 was introduced on January 19, 2022 by Councilmember Charles Allen, alongside Councilmembers Cheh, Nadeau, Pinto, T. White, Gray, and McDuffie. The bill was sequentially referred to the Committee on Housing and Executive Administration and the Committee of the Whole on February 01, 2022; the Committee on Housing and Executive Administration held a public hearing on B24-0617 on September 29, 2022.

B24-0617 establishes an advisory Office and Commission to provide a single point-of-contact for the District to gather community, stakeholder, and expert input on the use of waterways – including the Anacostia and Potomac Rivers, and the Washington Channel – and adjacent property. The Office of District Waterways will facilitate communication between these various groups, and will utilize their input to advise the Mayor and the Council on relevant policy. The District Waterways Advisory Commission, in coordination with the Office, will utilize community, stakeholder, and expert input to create an Advisory Plan. The Advisory Plan will include strategic recommendations for recreational and commercial use, environmental conservation, safety and security, transportation, and opportunities to increase local control of the waterways and adjacent property.

Two bills substantially similar to B24-0617 as introduced have been previously introduced by Councilmember Allen in Council Periods 22 and 23. B22-0522, the District Waterways Management Act of 2017, was introduced on October 17, 2017 by Councilmember Allen, alongside Councilmembers Gray, McDuffie, Bonds, Evans, Grosso, and R. White. It was sequentially referred to the Committee on Government Operations with comments from the Committee of the Whole, and to the Committee on Transportation and the Environment. The Committee on Government Operations, chaired by former Councilmember Brandon Todd, held a hearing on B22-0522 on May 16, 2018. B23-0396, the District Waterways Management Act of 2019, was introduced by CM Allen on July 09, 2019. It was sequentially referred to the Committee on Government Operations and the Committee of the Whole. The Committee of the Whole, chaired by Chairman Phil Mendelson, held a public hearing on B23-0396 on January 23, 2020.

Committee Reasoning

Background

Over the last two decades, the District has seen increasing activity on and along its waterways. Residential, commercial, and mixed-use development of waterfront properties in The Wharf and Capital Riverfront / Navy Yard, as well as development in downtown Ward 7 neighborhoods such as Parkside and Minnesota-Benning, has brought thousands more District residents and hundreds of businesses into neighborhoods abutting the Anacostia River and the

Washington Channel/Potomac River. In addition to landside economic growth, these developments have spurred a growing interest in businesses that directly utilize the waterways, such as boat rentals and sightseeing river cruises.

As river-adjacent neighborhoods experience demographic and economic growth, they have also seen increased investment into recreational and cultural activities. The development of new parks (including Yards Park, Canal Park, Diamond Teague Park, Wharf Park, Georgetown Waterfront Park, and the 11th Street Bridge Park) has gone hand-in-hand with the revitalization of existing parks (such as Anacostia Park and Benjamin Banneker Park). DC's Department of Parks and Recreation has also invested in renovating and constructing recreation centers, including the Kenilworth-Parkside, Joy Evans Therapeutic, Barry Farm, and Arthur Capper Recreation Centers. Other entertainment venues developed in river-adjacent neighborhoods include two sports stadiums (Nationals Park and Audi Field), several music venues (including The Anthem and Pearl Street Warehouse), and multi-use spaces such as the Anacostia Arts Center. The investment into recreational and cultural activities has also brought community celebrations into these neighborhoods, including many music and food festivals.

The District Department of Transportation has made significant investments to expand and improve access to these growing neighborhoods. Multi-modal and motorway infrastructure projects such as the Frederick Douglass Memorial Bridge, the 11th Street Bridge, and the renovated Interstate-295/Malcolm X Avenue SE Interchange, are complimented by increased pedestrian access through projects such as the Anacostia Riverwalk Trail and the Parkside Pedestrian Bridge. The District has also seen a growing interest in water transportation opportunities, such as water taxis and commuter ferries.

Concerns

The increasing development along the District's waterways has raised and highlighted environmental concerns about the health of the rivers, and the safety of adjacent neighborhoods. These concerns include longstanding issues such as polluted water, flood risks, and shrinking ecosystems, as well as growing issues such as siltation and increasingly shallow water levels. The District's Department of Energy and Environment works to mitigate the environmental impact of new development, and has undertaken several long-term projects to protect and enhance the aquatic ecosystem. DOEE leads the Anacostia River Sediment Project, implements the Clean Water Act programs, and convenes the DC Flood Task Force. It also improves water quality and habitat through hatchery programs, restoring aquatic and wetland vegetation, and restoring tributaries/streams. DOEE also runs Education Centers in Anacostia and Kingman Island Parks, which promote environmental stewardship. Additionally, DC Water runs the DC Clean Rivers Project, which reduces pollution from stormwater and sewage overflow, and mitigates flood risks.

The growth of river-adjacent neighborhoods has also brought both excitement and concern to historic communities on and alongside the District's waterways. The District is home to longstanding liveaboard communities and boathouses such as the Gangplank Slipholders

Association, the Seafarers Yacht Club, and the Capital Yacht Club. While these historic groups experience the benefits of new amenities, transportation infrastructure, and environmental programs, they are also concerned that the increasing pace of development will fail to properly consider their needs. At the public hearings on B24-0617, B23-0396, and B22-0522, representatives of these groups testified to the safety concerns surrounding increased traffic on the waterways, environmental concerns about increased waterfront development and activity, equity concerns regarding access to the waterways, and affordability concerns as waterfront property becomes more desirable.

Anacostia Waterfront Initiative

Much of the growth and development along the District's waterways has been guided by the Anacostia Waterfront Initiative (AWI). Founded in 2000 under Mayor Williams, the AWI is an interagency project established by a Memorandum of Understanding between 19 Federal and District agencies, which seeks to articulate a vision for the restoration and revitalization of the Anacostia River and adjacent neighborhoods. In 2003, DC's Office of Planning published the Anacostia Waterfront Framework Plan (AWI Plan), which identified common long-term goals for the Anacostia River and adjacent neighborhoods. The AWI Plan included common goals for the environment, transportation, parks, cultural destinations, neighborhoods, and target areas.

The guidance provided by the AWI Plan has been complemented over the years by other policy frameworks, including the Comprehensive Plan, Sustainable DC, Climate Ready DC, Move DC, and Vision Zero DC. In 2016, Mayor Bowser founded the Anacostia Waterfront Interagency Working Group (led by DC's Office of Planning) to foster continued interagency collaboration on the goals articulated in the AWI Plan. The Working Group published the Anacostia Waterfront Progress Report in 2018.

The Need for a Coordinated and Comprehensive Approach

Despite the guidance provided by the Anacostia Waterfront Initiative and the AWI Plan, many stakeholders feel that the District – and the Washington metropolitan area generally – lacks a coordinated and comprehensive approach to development on and along the waterways. In public hearings on B24-0617, B23-0396, and B22-0522, stakeholders testified that the AWI Plan does not always include sufficiently detailed policy recommendations for development and use of the waterways and adjacent property.

Stakeholders also testified that District, Federal, and State (Virginia/Maryland) agencies with jurisdiction over the waterways and adjacent property do not sufficiently coordinate their projects and regulatory frameworks. Witnesses explained that development projects and commercial enterprises must go through an unnecessarily burdensome and complicated process, in part because some agencies have overlapping or contradicting jurisdiction. While the lack of coordination has sometimes resulted in over-regulation, it has also sometimes resulted in under-regulation. Stakeholders testified that certain maritime issues regarding development and use of

waterways infrastructure is beyond the scope of any one regulatory agency, leaving key decisions in the hands of private developers.

Importantly, many stakeholders testified that there is currently no part of the District government responsible for gathering input from the many communities, businesses, organizations, and agencies with a vested interest in the use of the District's waterways. Witnesses explained that the absence of a space for public and stakeholder input is a missed opportunity for future growth and development to consider the complex set of needs regarding the District's waterways.

Committee Recommendation

The increasing activity and growth on/alongside the Anacostia River, Potomac River, and the Washington Channel, has created a diverse set of stakeholders surrounding the District's Waterways. B24-0617 creates a dedicated entity within the District government to hear these stakeholders' concerns, and to advocate on their behalf. It establishes an important advisory resource to support the District's policy and regulatory decisions that promote effective, safe, and environmentally responsible use of the waterways. It provides an ongoing system for comprehensive planning that relies on community, stakeholder, and expert input. It also provides a clear mechanism for ongoing interagency communication and collaboration.

For these reasons, the Committee recommends approval of B24-0617.

Committee Print

In response to input from the public hearing, the Committee made several substantial changes to B24-0617 as introduced.

1. The name of the entity is changed to "Office of District Waterways"; the name of the Commission is changed to "District Waterways Advisory Commission; the name of the Plan is changed to "District Waterways Advisory Plan"; the term "manage" is removed from descriptions of the Office; the term "coordinate" is replaced with "facilitate communication between".
 - a. These changes clarify that the entities created by this bill serve only an advisory purpose, and do not have any authority to create regulations or mandate policy changes.
2. The Office of District Waterways is placed within the Department of Energy and Environment; DOEE is required to provide administrative support for the Commission.
 - a. These changes will ensure that the Office and Commission have adequate resources to fulfill their mandate, and that they are properly integrated within existing frameworks.

3. The Department of Housing and Community Development is added as a non-voting member of the Commission; Joint Base Anacostia-Bolling is added as a requested non-voting member of the Commission.
 - a. These changes will ensure that housing issues are appropriately considered by the Commission, and that Joint Base Anacostia-Bolling (an important stakeholder for the District's waterways) has the opportunity to weigh in on the Commission's recommendations.
4. One of the Commissioners representing a Business Improvement District (BID) is required to represent a BID east of the Anacostia River; one of the Commissioners representing a BID is required to represent a BID west of the Anacostia River; a second Commissioner representing a marina or yacht club was added; the marinas or yacht clubs represented on the Commission are required to be locally managed; one Commissioner appointed by the Mayor is added to serve as Chairperson.
 - a. These changes will ensure that the diverse needs of stakeholders from different parts of the District's waterways are appropriately represented on the Commission, and that the Commission remains properly balanced between Mayoral and Council appointees.
5. The Commission is required to provide a period for public comments at each regular monthly or quarterly meeting; the Action Plan will be updated biennially
 - a. These changes will ensure that there is adequate opportunity for public input on the Action Plan's recommendations.
6. The Committee made other technical and conforming changes.

II. LEGISLATIVE CHRONOLOGY

October 17, 2017	B22-0522 is introduced by Councilmembers Allen, Gray, McDuffie, Bonds, Evans, Grosso, and R. White at the Committee of the Whole.
October 17, 2017	B22-0522 is referred to the Committee on Government Operations with comments from the Committee of the Whole, and the Committee on Transportation and the Environment.
October 20, 2017	Notice of Intent to Act on B22-0522 is published in the <i>District of Columbia Register</i> .
March 16, 2018	Notice of Public Hearing on B22-0522 is published in the <i>District of Columbia Register</i> .

May 11, 2018	Notice of Public Hearing on B22-0522 is published in the <i>District of Columbia Register</i> .
May 16, 2018	The Committee on Government Operations holds a Public Hearing on B22-0522.
July 09, 2019	B23-0396 is introduced by Councilmembers Allen, Evans, R. White, Cheh, Gray, McDuffie, Bonds, Grosso, and Nadeau at the Committee of the Whole.
July 09, 2019	B23-0396 is referred to the Committee on Government Operations, and the Committee of the Whole.
July 19, 2019	Notice of Intent to Act on B23-0396 is published in the <i>District of Columbia Register</i> .
December 27, 2019	Notice of Public Hearing on B23-0396 is published in the <i>District of Columbia Register</i> .
January 23, 2020	The Committee of the Whole holds a Public Hearing on B23-0396.
January 19, 2022	B24-0617 is introduced by Councilmembers Allen, Cheh, Nadeau, Pinto, T. White, Gray, and McDuffie at the Office of the Secretary.
January 28, 2022	Notice of Intent to Act on B24-0617 is published in the <i>District of Columbia Register</i> .
February 01, 2022	B24-0617 is referred to the Committee on Housing and Executive Administration, and the Committee of the Whole.
August 29, 2022	Notice of Public Hearing on B24-0617 filed in the Office of the Secretary.
September 02, 2022	Notice of Public Hearing on B24-0617 is published in the <i>District of Columbia Register</i> .
September 29, 2022	The Committee on Housing and Executive Administration holds a Public Hearing on B24-0617.
November 03, 2022	Notice of Mark-up filed in the Office of the Secretary
November 09, 2022	Committee on Housing and Executive Administration Mark-up of B24-0617.

III. POSITION OF THE EXECUTIVE

Tommy Wells, Director of the Department of Energy and Environment (DOEE), **testified in support of the intent of B24-0617, but recommended key amendments.** Director Wells testified that DOEE supports an Office (referred to as an Authority in the introduced version) that has the responsibility of managing and promoting the coordinated use of the District's waterways. However, he testified that that the Office's purview should be restricted to exclude private and federally owned adjacent property, so as not to interfere with the jurisdiction of the federal government, other District agencies, and the Zoning Commission. Director Wells also testified that that the bill should authorize a dedicated revenue source for the Office, so that it could fund projects and programs. Additionally, Director Wells testified that the Commission should only be an advisory body that supports the Office in drafting a District Waterways Advisory Plan (referred to as the "District Waterways Action Plan" in the introduced version), but that if the Plan itself makes determinations for management and use of District land and resources, it should be drafted by an Executive agency. He also testified that the Plan should not be updated more than biennially. Finally, Director Wells testified that DOEE is already well-equipped to serve as the central coordinator for the District's waterways and natural resources, because of DOEE's technical expertise and experience with enforcement.

Testimony from the Executive regarding B23-0396 and B22-0522 is reflected in Section V (Summary of Testimony) of this report.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee on Housing and Executive Administration received no testimony or comments from any Advisory Neighborhood Commissions on B24-0617. Testimony or comments from Advisory Neighborhood Commissions regarding B23-0396 and B22-0522 is reflected in the summary of testimony below, and in the written testimony attached to this report.

V. SUMMARY OF TESTIMONY

The Committee on Government Operations held a public hearing on B22-0522 on May 16, 2018. The Committee of the Whole held a public hearing on B23-0396 on January 23, 2020. The Committee on Housing and Executive Administration held a public hearing on B24-0617 on September 29, 2022. The testimony summarized below is from those hearings and reflects opinions based upon the introduced versions.

There was no hearing record filed for the 2018 hearing on B22-0522, nor for the 2020 hearing on B23-0396. The Committee on Housing and Executive Administration has worked with the Office of the Secretary, the Committee on Government Operations and Facilities, and the Committee of the Whole to recover as much of the submitted written testimony as possible. However, there are no copies of the witness lists available from the hearings in previous Council Periods.

A copy of the witness list from the Committee on Housing and Executive Administration's public hearing on B24-0617 is attached to this report. The video recordings of the hearings (available online at dc.granicus.com/MediaPlayer.php?view_id=42&clip_id=4539 | dc.granicus.com/MediaPlayer.php?view_id=4&clip_id=5326 | dc.granicus.com/MediaPlayer.php?view_id=52&clip_id=7755) are incorporated by reference. A copy of all submitted testimony from the Committee on Housing and Executive Administration's public hearing on B24-0617 is attached to this report, as well as a copy of all submitted written testimony recovered from the hearings in previous Council Periods. All submitted testimony from the Committee's public hearing on B24-0617 is part of the hearing record available through the Office of the Secretary.

The following witnesses testified at the Committee on Housing and Executive Administration's public hearing on B24-0617:

Bob Dreher, *Acting Vice President for Policy, Potomac Riverkeeper Network*, **testified in support of this bill.** Mr. Dreher testified that the Potomac Riverkeepers welcome the long overdue attention to the significant public value of the Potomac and Anacostia Rivers. He testified that the Potomac River was heavily polluted when the Clean Water Act was passed, and that it has slowly but steadily recovered since then. Mr. Dreher testified that despite this progress, swimming in the Potomac River is still prohibited, and that the Potomac Riverkeeper Network looks forward to working with the new Waterways Management Authority and Commission to establish safe swimming areas along the Potomac in the near future.

Jason Kopp, *Public Witness*, **testified in support of this bill.** Mr. Kopp testified that he has been involved with maritime development in SW DC for 15 years, and has previously served as president of the Gangplank Slipholders Association (a liveaboard community in SW) and as chair of the Southwest Neighborhood Assembly's Waterfront Planning Task force. Mr. Kopp testified that during the development of Phase 1 of the Wharf in 2012, there were many questions related to maritime infrastructure and economic activity that were beyond the scope of government agencies (including the Office of Planning, Army Corps of Engineers, District Department of Transportation, and Harbor Patrol). He testified that because no government agency took responsibility for these considerations, many of the decisions were made by the Wharf's developers, and that a similar satiation has occurred at Navy Yard on the Anacostia. Mr.

Kopp testified that although the Anacostia Waterfront Framework Plan has provided some overall vision for landside development along the river, it does not have sufficient information about water access, uses, and infrastructure. He testified that the District needs a whole-of-government approach to planning for equitable and safe use of DC's waterways, much like Baltimore's Maritime Master Plan. Mr. Kopp testified that there has never been an effort to comprehensively catalog or seek out the needs of the hundreds of thousands of people that use the District's waterways, and that waterfront development must take these needs into account.

Laurance Kent Jones, *Commodore, Capital Yacht Club*, **testified in support of this bill.** Mr. Jones testified that the Capital Yacht Club has a deep concern for the environment and the health of the District's waterfront, and that it is extremely important for there to be some comprehensive look at the uses of the water. Mr. Jones testified that it is important to take into account all the users who live and recreate on the water, especially the liveaboard communities. He further testified that the Capital Yacht Club wants to ensure that B24-0617 results in enhancements – not restrictions – for use of the waterways, and that the areas are controlled in a way that is as open and welcoming as possible.

Tara Strutsman, *Vice President, Gangplank Slipholders Association*, **testified in support of this bill.** Ms. Strutsman explained that the Gangplank Slipholders Association represents a historically community of approximately 94 liveaboard vessels, which has been in the Washington Channel for over 45 years. Ms. Strutsman testified that the Gangplank Slipholders Association is very connected with the use and environmental health of the waterways, and faces challenges related to affordability, landside development, economic and recreational activity on the water, and changes to the waters' ecosystem. Ms. Strutsman testified that the piecemeal permitting and zoning processes, and other regulatory frameworks split across various agencies, is a fundamentally flawed design for residents who are so connected to the waterways. She explained that the District Waterways Management Authority would be an important advisory resource for the city, and that a holistic and cohesive plan for the District's waterways is essential for the safety of District residents and the economic vitality of many neighborhoods.

Robert Ford, *Commodore, Seafarers Yacht Club*, **testified in support of this bill.** Mr. Ford testified that B24-0617 address the exact concerns of the Seafarers Yacht Club and all boaters on the Anacostia River. He explained that siltation – rising land beneath the water – threatens to destroy the Seafarers Yacht Club and other marinas along the Anacostia. Mr. Ford testified that a lack of intervention from the District government is largely to blame for the continued issues with siltation, and that an "Action Plan" for Boathouse Row is necessary. Mr. Ford testified to the historic nature of the Seafarers Yacht Club, and to their significant involvement with the local community. He testified that B24-0617 is necessary to help expedite important projects on the Anacostia River and Washington Channel, and to save the Seafarers Yacht Club from extinction.

Patrick Revord, *Director of Technology Marketing and Community Engagement, District Wharf*, **testified in support of this bill.** Mr. Revord described the variety of shops, restaurants,

residential buildings, office buildings, hotels, liveaboard residents, yacht club, water taxis and cruises, and recreational boating that encompasses The Wharf. He explained how The Wharf, and its coalition of stakeholders called the Wharf Maritime Advocacy Group, have dramatically expanded public access to the waterways, and that they are invested in the goals of B24-0617. Mr. Revord testified that The Wharf supports aligning the many stakeholders and governing bodies of the District's waterways, creating a central clearinghouse for waterways inside the District government, greater advocacy and organizing on behalf of stakeholders, and increased support for cleanliness, dredging, local control, water safety, and emergency services. He went on to testify about several suggested clarifications and modifications to B24-0617 as introduced; Mr. Revord testified that the bill should clarify that the District Waterways Management Authority and Commission are only advisory, and that they should be placed within the Department of Energy and Environment. He also testified that the bill should find a dedicated funding source for the Authority.

The following witnesses testified at the Committee of the Whole's public hearing on B23-0396:

James R. Foster, *President, Anacostia Watershed Society*, **testified in support of B23-0396.** Mr. Foster testified that the Anacostia Watershed Society fully supports B23-0396, which will formalize equitable access to the District's waterways and riverside activities. He testified that the Anacostia Watershed Society recommends that: the District should ask Congress for full ownership of the riverbeds; the Commission should have the authority to establish rules, approve/disapprove certain projects, provide inspection/compliance oversight, and have access to legal support; and the Commission should have responsibility for maintaining an ecologically healthy river, particularly along a critical area within 200 feet of the tidal river's edge and wildlife conservation areas.

Jeremy Ebie, *Co-Founder and Managing Partner, Phoenix Infrastructure Group*, **testified in support of B23-0396.** Mr. Ebie explained Phoenix Infrastructure Group's involvement in the M495 Commuter Ferry Project, and testified to the economic benefits of developing new water transit options. Mr. Ebie testified that the overlapping and occasionally confliction jurisdiction of several District, state, and Federal agencies makes it complicated and challenging to develop transportation options on the waterways. He testified that a single, deliberate, and defined government entity to regulate the waterways would streamline regulatory processes.

Richard Yager, *Commodore, Port of Washington Yacht Club*, **testified in support of B23-0396.** Mr. Yager testified that B23-0396 would create a central point of contact for planning and regulation of the District's river system, and would create a comprehensive approach to the

waterways. Mr. Yager testified that the bill would also streamline communication between the Federal government and the District on issues regarding the waterways.

John Lake, *National Director of Marine Operations, Hornblower Cruises and Events*, **testified in opposition to B23-0396**. Mr. Lake testified that the vitality of the District's waterways is important to the region's economic growth, and that it is critical important to have a balance of safe and effective use of the waterways. He testified that the regulatory oversight to achieve this balance already exists, and that there are currently several overlapping bureaucratic and regulatory systems governing the District's waterways. Mr. Lake explained that Hornblower Cruises and Events does not support the creation of a new regulatory agency without more clarity on how it fits within existing bureaucratic and regulatory frameworks. He testified that Hornblower Cruises and Events would support a water safety committee, or an organization that takes a regional approach to development on and along the waterways, and explained that the waterways need a comprehensive and holistic approach.

Kathleen Heet, *President of the Waterfront Taskforce, Southwest Neighborhood Association*, **testified in support of B23-0396 on behalf of Jason Kopp from the Southwest Neighborhood Association**. Ms. Heet testified that the new District Waterways Management Authority will have the responsibility for coordination of existing organizations and interest groups related to the District's waterways. She testified that the new agency could address issues including trash removal, designation of fishing and public access areas, access to educational resources, coordination related to traffic and parking on the waterways, and funding for cleanup / improvement efforts.

Curtis Sloan, *President, Gangplank Slipholders Association*, **testified in support of B23-0396**. Mr. Sloan testified that there is currently no entity responsible for assembling information about and developing a strategy for the District's rivers. He explained that the growth of economic activity on the river, such as kayaks/canoes/paddleboats, cruises, river tours, and more, has created a complicated mix of traffic. Mr. Sloan testified that the increasing development along the District's waterfronts underscores the need for a comprehensive approach to regulation. He noted that B23-0396 as introduced does not allow the Commission to create new rules, and that it requires the Commission to collaborate with Virginia, Maryland, and the Federal government.

Fredrica D. Kramer, *Commissioner, ANC 6D05*, **testified in support of B23-0396**. Ms. Kramer testified that the timing of this bill is important as the Wharf continues to develop, and as other development along the District's waterways increases. She testified that the new Authority would result in coherent and comprehensive management of the District's waterways, and would balance the interests of various stakeholders. She also testified that the Authority would manage interagency coordination for regulating and administering policy on the waterways. Ms. Kramer went on to testify that because much of the public land along the waterways has been long-term leased to organizations and businesses, strategic decisions regarding development on and along the District's waterways has been seceded to a complex set of users. She explained that there is

no single entity that will hear all voices, and advocate for reasonable policies that reflect this diverse set of needs. Ms. Kramer testified that the new Authority should have adequate resources for research and analysis, and that the Commissioners should have staggered terms and term limits.

Phillip Musegaas, *Vice President of Programs and Litigation, Potomac Riverkeeper Network*, **testified in support of B23-0396**. Mr. Musegaas testified that B23-0396 provides a great framework for diverse interests to get together and develop a plan that will promote cohesive management of our waterways. He testified that the Authority will support increased maritime, commercial, and recreational use of the Rivers, and that it will build a constituency of people who support the rivers and want to protect their natural resources. He also explained that the lack of a comprehensive framework regarding the District's waterways is a significant detriment.

Tommy Wells, *Director, Department of Energy and Environment*, **testified on behalf of the Executive in support of the intent of B23-0936, but recommended key amendments**. Director Wells recommended that District Waterways Management Authority should be established as an office within an executive agency, so as to streamline its integration with the work currently being done by the District government. He also recommended that the Authority's purview should be restricted to the use of waterways and adjacent District-owned property, rather than all adjacent property, so as to avoid conflicting jurisdiction with the Federal government and other District agencies. Director Wells additionally recommended that the bill authorize a dedicated revenue source for the Authority, or that the Commission is directed to consider potential dedicated funding sources, so that the Authority may fund projects and programs. Finally, Director Wells recommended that the bill should clarify the advisory nature of the Commission, so that it would not execute executive authority. Director Wells also testified to the significant work already done by DOEE in promoting and managing the use of the District's waterways and adjacent property.

The following witnesses testified at the Committee on Government Operation's public hearing on B22-0522:

Doug Siglin, *Executive Director, Anacostia Waterfront Trust*, **testified in support of B22-0522**. Mr. Siglin testified that the Action Plan proposed by B22-0522 is the most significant part of the legislation, and that the District needs a new comprehensive planning process for the waterfronts. He testified that this comprehensive approach is even more important given the increasing development and activity along the waterfront, including Capital Riverfront, the District Wharf, Buzzard Point, the DC Water Anacostia Tunnel, DOEE's Anacostia River Sediment Cleanup Project, the Kenilworth Remediation Project, Educational Activities on Kingsman Island, development in the RFK area, the Douglass Bridge. He also testified to increasing challenges along the waterfront, including siltation in the Anacostia, and the Army

Corps of Engineers' indication that they may no longer dredge the rivers. Mr. Siglin testified that he is supportive of the broad and comprehensive approach proposed in the bill, and that it would make up for the mistake of abolishing the Anacostia Waterfront Corporation.

Catherine Simons, *Secretary of the Board of Directors, Gangplank Slipholders Association*, **testified in support of B22-0522**. Ms. Simons testified that there is currently no structure for waterfront development to be considerate of the needs of commercial and recreational users of the waterways. She testified that B22-0522 would ensure the creation of a comprehensive plan that would serve the needs of District residents, businesses, and tourists. Ms. Simons testified that increasing development along the water has created concerns for the liveaboard community, as growing activity in a narrowing Washington Channel presents safety risks to everyone on the water. She testified that without B22-0522, there is no way for the District to comprehensively plan recreational and commercial activities on and along waterways in a safe and sustainable way.

Andy Litsky, *Vice Chairman, ANC 6D (SMD-6D04)*, **testified in support of B22-0522**. Mr. Litsky testified that ANC6D, which represents Southwest, Navy Yard, and Buzzard Point, covers more waterfront area than any other ANC, and unanimously supports B22-0522. Mr. Litsky testified that the District devotes most of its time and energy to landside development, and does not often consider how to maximize and manage the waterways. He explained that since the abolition of the Anacostia Waterfront Corporation, there has been a lack of waterways planning and management in the District, resulting in significant policy and planning decisions being largely left to developers. Mr. Litsky testified that as the use of our waterways for commerce, recreation, and transportation increases, it is important for the District government to have a comprehensive plan.

Will Handsfield, *Transportation Director, Georgetown Business Improvement District*, **testified in support of B22-0522**. Mr. Handsfield testified that that the District should address long-standing opportunities to improve the planning and management of the Anacostia and Potomac River waterfronts; He explained that recreational boating facilities along the waterfront in Georgetown have not kept up with growing demand, and that in the absence of an entity tasked with planning and constructing new facilities, this issue is likely to continue. Mr. Handsfield went on to testify that the lack of formal management for the Washington Harbor – in part because of overlapping Federal jurisdiction – has led to unsafe and disorderly use of the water and waterfront for commercial tourism and private parties. Mr. Handsfield then testified to a few suggested changes to B22-0522: he suggested that the 24-member Commission should be shrunk to 5-7 members, and that it should be given several staff members and the authority to hire consultants; he also suggested that the District's waterways should be divided into smaller planning management zones, so as to better account for unique conditions and needs; finally, he suggested that the Action Plan should be submitted to the DC Council for formal adoption, and that some of the recommendations should be automatically submitted as amendments to the Comprehensive Plan.

Peggy Tadej, *Director of Military Partnerships, Northern Virginia Regional Commission*, **testified in support of B22-0522**. Ms. Tadej testified that the Northern Virginia Regional Commission supports the District taking a more comprehensive and regional approach to establish a port authority and provide funding for a ferry system. Ms. Tadej testified to the popular support for a ferry system, and to the significant transportation and commuter benefits. She also testified that a ferry system would be an affordable and sustainable alternative to the region's increasingly gridlocked road system, and that it would increase emergency preparedness capabilities on the Potomac; she explained that other jurisdictions have found success in a Public-Private Partnership model. Ms. Tadej testified that existing water taxi companies such as the Potomac Riverboat Company are expanding their service, and that B22-0522 would support the increasing development of transportation systems on the waterways.

Timothy Payne, *Principal, Nelson/Nygaard Consulting Associations, Inc. (under contract with the Northern Virginia Regional Commission)*, **testified in support of B22-0522**. Mr. Payne testified that the Northern Virginia Regional Commission (NVRC) has researched the significant benefits of increasing passenger water transportation along the Potomac, Anacostia, and Occoquan Rivers, which would add diversity, connectivity, resiliency, safety, and job creation to the region's transportation system. He explained that the absence of a single agency or organization with overall responsibility for encouraging, sponsoring, regulating, and monitoring water transportation – and the conflicting jurisdiction of various local, federal, and state agencies – has made waterfront development and transportation unnecessarily complex and challenging. He testified that B22-0522 would bring order and even-handed control to waterfront development and activity. He then testified to a few suggested changes to B22-0522 such as including language that explicitly references commerce, transportation, flood prevention, and emergency management (in coordination with the Department of Defense).

Fredrica D. Kramer, *Vice Chair, Near SE/SW Community Benefits Coordinating Council*, **testified in support of B22-0522**. Ms. Kramer testified that increasing development along the waterfronts, including the Wharf Phase 2, Buzzard Point, and a new soccer stadium, makes this legislation particularly timely and significant. She testified that as recreational, commercial, and residential use of the waterways and adjacent property increases – particularly through the use of public private partnerships – proper management of the waterways is necessary to ensure safety and access. Ms. Kramer explained that absence of a single body to hear and negotiate the diverse stakeholders on and along the waterways makes it impossible for policy and development decisions to reflect the complex set of issues involved. She testified that the comprehensive plan proposed by B22-0522 would address many of these concerns. Ms. Kramer went on to suggest a few changes to B22-0522: she recommended that the Commission should have more staff for monitoring and analysis, and that the Commissioners should have term limits; Ms. Kramer recommend that the Action Plan should be reviewed on a regular basis, with adequate public input; she also recommended that the Authority should be given explicit enforcement authority, and that the scope of “adjacent property” be more clearly defined.

John Lake, *Captain and General Manager, Potomac Riverboat Company*, **testified neither in support nor in opposition to B22-0522**. Mr. Lake began by explaining his experienced background with Potomac Riverboat Company, and in marine safety and security. Mr. Lake testified to Potomac Riverboat Company's growing activity and investment in the DC area, described the benefits many of water transportation, and explained the under-utilization of water transportation opportunities. Mr. Lake testified that it is critically important for development along the Potomac and Anacostia Rivers to encourage safe and effective use of the waterways. He testified that Potomac Riverboat Company is already subject to several overlapping jurisdictional bodies, and that it is concerned about additional levels of bureaucracy; however, he went on to testify that it welcomes the opportunity to give highly qualified input on development and operation of safe and efficient services on multi-use waterways.

Michael Bruce, *Director of Maritime Operations, District Wharf*, **testified in opposition to B22-0522**. Mr. Bruce testified to the work that the Wharf has done to promote coordination, best practices, and safe use for the diverse stakeholders that use the Washington Channel. He testified that the purpose and nature of the proposed Authority and Commission is unclear, and that the bill does not adequately address how they would fit into existing regulatory frameworks. He explained the already complicated process for development along the waterways, and expressed concerns about a new level of bureaucracy. Mr. Bruce testified that the Wharf would want to ensure that technical and commercial experts are represented on the Commission, and that the Wharf supports the expansion of water transportation opportunities.

Darryl Madden, *Federal Commissioner, Interstate Commission on the Potomac River Basin*, **testified in support of B22-0522**. He explained that the Interstate Commission on the Potomac River Basin is focused on science, education, and regional cooperation for the protection and enhancement of water related resources, and that it supports this legislation. Mr. Madden testified to the increasing economic activity and public safety mechanisms on the water, particularly related to transportation. Mr. Madden testified that he would like to see the proposed Action Plan consider the transportation issues related to increasing traffic on the waterways, and that it should explicitly address the social impacts related to the use of our waterways. Mr. Madden also testified to the importance of public comment in the development of the Action Plan. He explained that B22-0522 would create a focal point for stakeholder input on the use of the waterways, and that it would gather and disseminate important data; he also testified that B22-0522 would greatly support future public-private partnerships on and along the waterways. Mr. Madden testified that the City Administrator would likely be the best executive agency to house the Authority.

Jamie Johnson, *Public Witness*, **testified in support of B22-0522**. Mr. Johnson explained his background in strategic coordination and risk management, and testified to the importance of comprehensive and thorough planning. Mr. Johnson testified that there are significant opportunities for economic, cultural, and community growth, but that there are also safety and environmental risks to consider. He testified that as growth along the waterfronts accelerates, it is important that the District acts quickly to comprehensively assess and plan these opportunities.

Andrew Trueblood, *Chief of Staff in the Office of the Deputy Mayor for Planning and Economic Development*, **testified on behalf of the Executive in opposition to B22-0522**. Mr. Trueblood gave a detailed description of the Mayor's implementation of the Anacostia Waterfront Framework Plan, and suggested that much of the work proposed in B22-0522 is already performed by District agencies in coordination with the Anacostia Waterfront Initiative Working Group.

The following witnesses submitted written testimony to the Committee on Housing and Executive Administration regarding B24-0617:

Gary Blumenthal, *Public Witness*
Justin Chambers, *Public Witness*
Jeremy M. Ebie, *Founder and CEO, Phoenix Infrastructure Group (on behalf of M-495 Commuter Fast Ferry Stakeholder Group)*
Robert Ford, *Commodore, Seafarers Yacht Club*
Kathleen Heet, *Public Witness*
Laurence Kent Jones, *Commodore, Capital Yacht Club*
Jason Kopp, *Public Witness*
Bob Link, *Public Witness*
Jean Link, *Public Witness*
Steve Moore, *Executive Director, Southwest Business Improvement District*
Ramsey Poston, *Public Witness*
Patrick Revord, *Director of Technology Marketing and Community Engagement, District Wharf*
Robert Rowe, *Public Witness*
Tara Strutsman, *Vice President, Gangplank Slipholders Association*
Celine Wolff, *Public Witness*

The Committee recovered written testimony submitted to the Committee of the Whole regarding B23-0396 from the following witnesses:

Tommy Wells, *Director, Department of Energy and Environment (on behalf of the Executive)*
James R. Foster, *President, Anacostia Watershed Society*
Jayme Johnson, *Public Witness*

The Committee recovered written testimony submitted to the Committee on Government Operations regarding B22-0522 from the following witnesses:

Andy Litsky, *Vice Chairman, ANC 6D (SMD 6D-04)*
Bob Link, *President, Gangplank Slipholders Association*
Doug Siglin, *Executive Director, Anacostia Waterfront Trust*
Will Handsfield, *Transportation Director, Georgetown Business Improvement District*
Peggy Tadej, *Director of Military Partnerships, Northern Virginia Regional Commission*
Timothy Payne, *Principal, Nelson/Nygaard Consulting Associates, Inc. (on behalf of Northern Virginia Regional Commission)*
Fredrica Kramer, *Vice Chair, Near SE/SW Community Benefits Coordinating Council*
John Lake, *Captain and General Manager, Potomac Riverboat Company*
Jayme Johnson, *Public Witness*
Andrew Trueblood, *Chief of Staff, Office of the Deputy Mayor for Planning and Economic Development (on behalf of the Executive)*

VI. IMPACT ON EXISTING LAW

B24-0617 has no impact on existing law.

VII. FISCAL IMPACT

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of B24-0617.
<u>Section 2</u>	Adds definitions for the terms “Advisory Plan”, “Commission”, “Office”, and “Waterways”.
<u>Section 3</u>	Establishes an Office of District Waterways within the Department of Energy and Environment. Describes the purpose of the Office, and requires certain District agencies to provide the Office with resources and information at the Office’s request.
<u>Section 4</u>	Establishes a District Waterways Advisory Commission to produce a District Waterways Advisory Plan and biennial updates pursuant to section 5.

Describes the makeup of the Commission, sets term limits for Commissioners, defines a quorum, and clarifies that all voting members have equal voting power. Requires the Department of Energy and Environment to provide administrative resources for the Commission.

- Section 5 Requires the Commission to produce a District Waterways Advisory Plan and biennial updates, and describes the purpose and scope of the Advisory Plan. Requires the Council committee with jurisdiction over the Department of Energy and Environment to hold a hearing within one year of the release of the Advisory Plan. Requires the Commission to meet regularly, and to gather public input for the Advisory Plan and biennial updates.
- Section 6 Provides that the Commission's proceedings shall be subject to the Open Meetings Act (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)
- Section 7 Provides that this Act shall apply upon inclusion in an approved budget and financial plan.
- Section 8 Provides the Fiscal Impact Statement.
- Section 9 Provides the effective date.

IX. COMMITTEE ACTION

On November 9, 2022, the Committee on Housing and Executive Administration held an Additional Meeting to consider and mark-up B24-0617. The meeting was called to order at 9:52 a.m. A quorum was present, which included Chairperson Bonds, Councilmember Robert White, and Chairman Mendelson. Chairperson Bonds provided an opening statement summarizing the provisions of the proposed bill. Chairperson Bonds then moved for approval of B24-0617 and opened the floor for discussion.

Chairman Mendelson said that he had some questions about the bill. He began by saying that he will support it today, that the bill is sequentially referred to the Committee of the Whole, and that he will try to get it before the Council by the 15th of November or the 6th of December. He then discussed the makeup of the Commission, and said that 25 or 30 members seems awfully large for the Commission. He noted that he prefers Council appointees to be appointed by the Chairperson of the Council. Chairman Mendelson then asked Committee Chairperson Bonds why there are so many non-voting designees of District agencies, and asked why the bill does not give the Mayor discretion over which agencies are appointed as non-voting members. Chairperson Bonds responded that during the public hearing, it was clear that there are some key agencies that should be a part of the Commission. Chairperson Bonds also said that the non-voting members will not restrict the business of the Commission, and that they will be treated

more like technical experts. Chairman Mendelson noted his concerns about the size of the Commission including the non-voting members. Chairperson Bonds said that the testimony received by the Committee indicated the importance of having Federal or other non-District agencies as non-voting Commissioners. Chairman Mendelson went on to ask if Chairperson Bonds reached out to the Committee on Transportation and the Environment (T&E) about placing the Office of District Waterways within the Department of Energy and Environment, and Chairperson Bonds said that she had not reached out to T&E, but that she had been in touch with DOEE throughout the process. Chairperson Bonds also said that she is open to having a conversation with T&E. Chairman Mendelson expressed concerns about moving the bill forward without any input from the T&E, and said that he believes it is worth having that conversation.

Chairperson Bonds then moved for approval of the Committee Print and Report for B24-0617, with leave for staff to make technical and conforming amendments.

Committee members voted as follows:

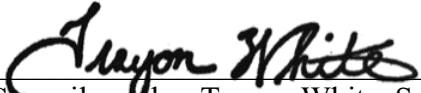
Committee members voting in favor:	Chairperson Bonds, Councilmember R. White, Chairman Mendelson
Committee members voting against:	N/A
Committee members voting present:	N/A
Committee members absent:	Councilmember McDuffie, Councilmember Silverman, Councilmember Pinto

The meeting was adjourned at 10:24 a.m.

X. ATTACHMENTS

- A. B24-0617 as Introduced
- B. Secretary's Memo
- C. Public Hearing Notice
- D. Agenda and Witness list
- E. Testimony
- F. Legal Sufficiency Determination
- G. Fiscal Impact Statement
- H. Committee Print for B24-0617

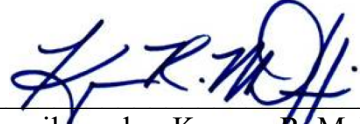
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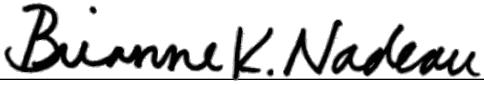
1 
2 Councilmember Trayon White, Sr.


Councilmember Charles Allen

4 
5 Councilmember Mary M. Cheh


Councilmember Brooke Pinto

7 
8 Councilmember Kenyan R. McDuffie


Councilmember Brianne K. Nadeau


Councilmember Vincent C. Gray

19 A BILL

24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

29 To establish the District Waterways Management Authority and the District Waterways
30 Management Commission to comprehensively plan, manage, coordinate, promote, and
31 advocate for the diverse uses of and access to the District's waterways and adjacent
32 property, and to require the development of a District Waterways Management Action
33 Plan.

35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 act may be cited as the "District Waterways Management Authority Establishment Act of 2022".

37 Sec. 2. Definitions.

38 For the purposes of this act, the term:

39 (1) "Action Plan" means the Waterways Management Action Plan.

40 (2) "Commission" means the District Waterways Management Commission.

(3) “Authority” means the District Waterways Management Authority.

(4) “Task Force” means the District Waterways Management Interagency Task

Force.

(5) “Waterways” refers to the Anacostia and Potomac Rivers and the

Washington Channel.

Sec. 3. Establishment; purpose and duties.

(a) The Mayor shall establish the District Waterways Management Authority.

(b) The purpose of the Authority will be to plan, manage, coordinate, promote, and advocate for the diverse uses of and access to the District’s waterways and adjacent property, including:

(1) In coordination with the District Waterways Management Commission established pursuant to section 4, the creation of the District Waterways Management Action Plan;

(2) Coordinating District, Maryland, Virginia, and federal government officials and agencies; businesses; community organizations; and the public on economic, public safety and security, environmental, recreation, and transportation issues relevant to the waterways and adjacent property; and

(3) Advising the Mayor and the Council on issues related to the District’s waterways and adjacent property, including public improvements, maintenance, operations, programming, budgeting, resiliency, planning, and public safety and security.

(c) The District agencies listed in section 4(b)(1)(C) shall provide the Authority with resources and information at the Authority’s request.

63 Sec. 4. Establishment of the District Waterways Management Commission; composition;
64 duties.

65 (a) There is established a District Waterways Management Commission to produce a
66 District Waterways Management Plan and annual updates, pursuant to section 5 of this act. The
67 commission shall not issue rules pursuant to Title I of the District of Columbia Administrative
68 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

69 (b) Commission members shall be appointed as follows:

70 (1)(A) Six voting members appointed by the Mayor, with the advice and consent
71 of the Council, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979
72 (D.C. Law 2-141; D.C. Official Code § 1-523.01(e)), one with expertise in each of the following
73 areas:

- 74 (i) Public safety;
- 75 (ii) Environmental stewardship;
- 76 (iii) Economic development or tourism;
- 77 (iv) Maritime management or policy;
- 78 (v) Athletics and recreation; and
- 79 (vi) Maritime transportation.

80 (B) Seven voting members appointed by the Council as follows:

81 (i) One Councilmember, or the Councilmember's designee, whose
82 election ward borders a waterway;

83 (ii) Two Advisory Neighborhood Commissioners whose single-
84 member districts border a waterway, with one Commissioner representing a single-member
85 district east of the Anacostia River and one west of the Anacostia River;

(iii) Two representatives of Business Improvement Districts that border a waterway;

(iv) One representative from a marina or yacht club located in the District; and

(iv) One public member with expertise in one of the areas listed in subparagraph (A) of this paragraph.

(C) At least one non-voting member appointed by the Mayor to represent each of the following agencies:

(i) The Office of the Deputy Mayor for Planning and Economic Development;

(ii) The Office of the Deputy Mayor for Public Safety and Justice;

(iii) The Metropolitan Police Department;

(iv) The Fire and Emergency Medical Services Department;

(v) The District Department of Transportation;

(vi) The Department of Energy and Environment;

(vii) The District of Columbia Water and Sewer Authority;

(viii) The Washington Convention and Sports Authority; and

(ix) The Public Service Commission.

(D) The Mayor shall request the designation of non-voting members from the following federal agencies:

(i) The National Park Service;

(ii) The United States Coast Guard; and

(iii) The Metropolitan Washington Airports Authority.

(b) A majority of the sitting voting members shall constitute a quorum.

(c) All voting members shall have equal voting power.

(d) All voting members shall serve for 4-year staggered terms, with no term limit; provided, that of the members initially appointed under this section, the 6 voting members appointed by the Mayor shall be appointed for a term of 4 years, and the 7 voting members appointed by the Council shall be appointed for a term of 3 years. The terms of the members first appointed shall begin on the date that a majority of the first members are sworn in, which shall become the date for all subsequent appointments.

(e) The District Waterways Management Authority shall provide administrative resources for the commission.

Sec. 5. District Waterways Management Action Plan.

(a) By July 1, 2022, the Commission shall develop and publish a District Waterways Management Action Plan (“Action Plan”) to create a strategic vision for the District waterways and adjacent property. In developing the Action Plan, the voting members of the commission shall interview all non-voting members, or another representative from that agency. The commission shall use these interviews and any additional research necessary, including consultations with subject-matter experts, to inform the Action Plan’s recommendations. The Action Plan shall include recommendations for the following:

(1) The orderly, safe, and efficient use of the waterways for boating and recreation;

(2) The public and private use of the property and infrastructure adjacent to the waterways;

(3) Promoting and facilitating interagency and regional coordination on issues relevant to the waterways and adjacent property;

(4) Environmental conservation and management of the waterways and adjacent property;

(5) Strategies for coordinated economic growth on and adjacent to the waterways;

(6) Assessments of safety and security risks and needs on and adjacent to the waterways;

(7) Identification of transportation gaps on and adjacent to the waterways; and

(8) Opportunities to increase local control of the waterways and adjacent property.

(b) The commission shall meet at least once every month until the first Action Plan is published and at least quarterly thereafter.

(c) The commission shall gather public input for the Action Plan and annual updates as follows:

(1) At least 90 days prior to publishing the Action Plan or an annual update, the commission shall hold at least two public meetings, one located east of the Anacostia River and one located west of the Anacostia River.

(2) At least 60 days prior to publishing the Action Plan or an annual update, the commission shall publish a draft Action Plan or annual update and provide a 30-day public comment period.

(d) The Council committee with jurisdiction over the Office of the City Administrator shall hold a hearing no later than one year following the release of the Action Plan.

(e) Following the Council hearing, the Commission shall make annual updates to the Action Plan.

154 Sec. 6. Open meetings.

155 Proceedings of the Commission shall be subject to the Open Meetings Act, effective
156 March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

157 Sec. 7. Fiscal impact statement.

158 The Council adopts the fiscal impact statement in the committee report as the fiscal
159 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
160 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

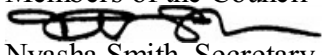
161 Sec. 8. Effective date.

162 This act shall take effect following approval by the Mayor (or in the event of veto by the
163 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
164 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
165 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
166 Columbia Register.

B

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Tuesday, January 25, 2022
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, January 19, 2022. Copies are available in Room 10, the Legislative Services Division.

TITLE: "District Waterways Management Authority Establishment Act of 2022", B24-0617

INTRODUCED BY: Councilmembers Allen, Pinto, Nadeau, Gray, T. White, Cheh, and McDuffie

The Chairman is referring this legislation sequentially to the Committee on Housing and Executive Administration and Committee of the Whole.

Attachment
cc: General Counsel
Budget Director
Legislative Services

C

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION**

ANNOUNCES A PUBLIC HEARING

on the matter of

B24-0617 – District Waterways Management Authority Establishment Act of 2022

on

Thursday, September 29, 2022, at 1:30 PM

Via Zoom

<https://dccouncil-us.zoom.us/j/81813018249?pwd=WUNwUjJpVFFRS09ZL1d3WE9ldUJDdz09>

On Thursday, September 29, 2022, Councilmember Anita Bonds will hold a public hearing to discuss B24-0617, the “District Waterways Management Authority Establishment Act of 2022”.

B24-0617, the “District Waterways Management Authority Establishment Act of 2022” was introduced by Councilmembers Allen, Pinto, Gray, McDuffie, Nadeau, T. White, and Cheh on January 19, 2022. This legislation establishes the District Waterways Management Authority and the District Waterways Management Commission to comprehensively plan, manage, coordinate, promote, and advocate for the diverse uses of and access to the District’s waterways and adjacent property, and to require the development of a District Waterways Management Action Plan. For any questions or concerns, please contact Tosha Skolnik at nskolnik@dccouncil.us.

Persons who wish to testify are requested to either email the Committee at housing@dccouncil.us or telephone the Committee at (202) 724-8198, at least two business days before the hearing and provide their name, address, telephone number, email address, organizational affiliation and title, if any. Each witness will receive an individual Zoom invitation for the hearing in a separate e-mail. Witnesses are encouraged to submit an electronic version of their testimony to housing@dccouncil.us. Oral testimony will be limited to 5 minutes for those testifying on behalf of an organization and 3 minutes for those testifying on behalf of themselves.

All Councilmembers will receive an individual Zoom invitation for the hearing in a separate email. The roundtable can be viewed on the Committee on Housing and Executive Administration YouTube (www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA).

Witnesses who anticipate needing language interpretation or require sign language interpretation are encouraged to inform the Committee of the need as soon as possible but no later than five business days before the proceeding. The Committee will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

If someone is unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Executive Administration, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004 or by email at housing@dccouncil.us. The record will close at 5:00 p.m. on Thursday, October 6, 2022.

D

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION
PUBLIC HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND EXECUTIVE ADMINISTRATION**

PUBLIC HEARING

on the matter of

B24-0617 – District Waterways Management Authority Establishment Act of 2022

Thursday, September 29, 2022, at 1:30 PM

Via Zoom

<https://dccouncil-us.zoom.us/j/81813018249?pwd=WUNwUjJpVFERRS09ZL1d3WE9ldUJDdz09>

YouTube (<https://www.youtube.com/channel/UCgy5EojaMYGtwicWSfg9NeA>)

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. PUBLIC WITNESSES**

PANEL 1

- | | |
|------------------------|---|
| 1. Bob Dreher | Acting Vice President for Policy, Potomac
Riverkeeper Network (PRKN) |
| 2. Jason Kopp | Public Witness |
| 3. Laurence Kent Jones | Commodore, Capital Yacht Club |
| 4. Tara Strutsman | Vice President, Gangplank Slipholders Association |
| 5. Tony Ford | Commodore, Seafarers Yacht Club |
| 6. Patrick Revord | Director of Technology Marketing and Community
Engagement, District Warf |

IV. GOVERNMENT WITNESS

- | | |
|----------------|--|
| 1. Tommy Wells | Director, Department of Energy and the Environment |
|----------------|--|

V. ADJOURNMENT

E

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Public Hearing on

Bill 24-0617, the District Waterways Management Authority Establishment Act of
2022

Testimony of
Tommy Wells
Director, Department of Energy and Environment

Before the
Committee on Housing and Executive Administration
Anita Bonds, Chairperson

September 29, 2022
1:30 p.m.
Washington, D.C.



Good afternoon, Chairperson Bonds and Committee on Housing and Executive Administration and staff. I am Tommy Wells, Director of the Department of Energy and Environment (DOEE). The pronouns that I use are he/him.

Today we acknowledge the Indigenous People that originally occupied the land on which we work and live. The District of Columbia occupies the unceded ancestral land of Nacotchtank, the sacred site of the Nacostine/Anacostan people, and the unceded ancestral land of the Piscataway people.

Thank you for the opportunity to testify before you today on Bill 24-617, the “District Waterways Management Authority Establishment Act of 2022.”

This bill would direct the Mayor to establish a District Waterways Management Authority to plan, manage, coordinate, promote, and advocate for the diverse uses of and access to the waterways and adjacent property. It would also establish a District Waterways Management Commission to produce a District Waterways Management Plan, which would outline a strategic vision for the District waterways and adjacent property. The Commission would comprise six voting members appointed by the Mayor; seven voting members appointed by the Council, and non-voting members from various District and federal agencies.

DOEE functions similarly to a state department of natural resources and has significant involvement in managing projects and programs affecting the District’s waterways, and in regulating uses of property that affect the health of District waterways and water-dependent habitats. Our agency has the technical expertise and experience with enforcement through issuing civil penalties to take on this function, and can serve as the central coordinator for the District’s waterways and natural resources. DOEE has a unique set of qualifications to execute these responsibilities:

- DOEE promotes waterway activity in many ways—we facilitate boat tours of the Anacostia River, build docks for public use, sponsor a fishing team, and issue fishing licenses. We also are working to further activate Kingman and Heritage Islands for public and educational uses consistent with conservation priorities, including constructing a Kingman Island Education Center and a paddling center.
- We restore mussels and fish stocks through hatchery programs, restore tributaries and streams, monitor stormwater outfalls, and restore wetlands and submerged aquatic vegetation with the goal of improving water quality and habitat.
- DOEE implements federal Clean Water Act programs to achieve water quality standards required under various federal permits and Chesapeake Bay programs.
- We are leading the Anacostia River Sediment Project, the plan to clean up toxic sediments at the bottom of the Anacostia River. Last year we started implementing the Interim Record of Decision for the Anacostia River Sediment project, and are working with local and federal agencies and departments to address upstream sources and are developing cost recovery strategies for cleanup and restoration.
- We are also convening the DC Flood Task Force and are working on completing the action plan that will equitably increase resilience to flooding and reduce impacts on District residents.



DOEE supports the intent of Bill 24-617 to establish an Authority that has the responsibility of managing and promoting the use of the waterways of the District in a coordinated way. However, DOEE recommends key amendments necessary to ensure the Authority's mandate does not interfere with the federal government's jurisdiction, to ensure that the Authority can achieve its intended purpose, and to ensure that the Commission operates effectively.

First, DOEE recommends that the bill be amended to restrict the purview of the Authority to the management of the use of waterways and adjacent District-owned property, rather than all adjacent property. Much of the land adjacent to waterways in the District is federally-owned park land, and the District cannot exercise control over it. What is not federally-owned or owned by the District is privately owned, and, for the most part, already built out. Development and use of privately-owned land in the District is already governed by various District agencies and the Zoning Commission.

Second, DOEE recommends that the bill authorize a dedicated revenue source for the Authority. This will allow the Authority to fund District projects and programs aimed at fulfilling its mandate of managing and promoting the use of District waterways.

Finally, DOEE recommends that the Council clarify that the Commission is an advisory body tasked with advising and making recommendations to the Authority on creation of the District Waterways Management Plan that guides and promotes waterway use, rather than being responsible for producing the plan itself. A document that makes determinations for the management and use of District land and resources is more appropriately the function of an Executive agency than the type of Commission outlined in the bill as drafted. Also, updates to the Management Plan should occur no more than once every two years to allow time for implementation and assessing progress on actions and recommendations.

I appreciate the opportunity to testify before the committee this afternoon and am available for questions.



GARY R. BLUMENTHAL
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October 6, 2022

**Subject: Input on B24-0617 – District Waterways Management Authority
Establishment Act of 2022**

Thank you to Councilmember Bonds and the Committee for considering the following views on this important matter.

I have been a liveaboard boater residing on the SW waterfront since 2014. I am also past president of the Gangplank Slipholders Association and have been actively involved in DC waterfront activities and community service efforts.

The Washington Channel and Anacostia sides of the DC waterfront have blossomed in recent years. Having played a lead role in negotiating the impacts of development on my own community, I can say that there was very little overall guidance from the District government. It was residents versus the developers with only the zoning board and our ANC representatives doing their best to ensure at least some fairness. Without an overall vision and goals from the Council, we felt at the mercy of the developer's whims. This is notable because in our case, Monty Hoffman is considered one of the better developers and so it is likely even more challenging for DC's other waterfront communities.

While there are ample examples of past failures of city planning, they are not a legitimate excuse for elected officials to shirk their responsibility toward proactively shaping the community's future. In fact, urban planning informed by the past is far more thoughtful than the potential haphazard results of laissez-faire development. Moreover, city planning using a management authority that is informed by the public and focused specifically on where the city's residents meet its rich watershed will better ensure community support for the outcome.

The proposed District Waterways Management Authority is not about layering on more bureaucracy but about correcting the current stovepiping of city agencies and their approach to waterfront issues.

Again, those of us most involved with and concerned about DC's precious waterways appreciate your thoughtful consideration of B24-0617.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary R. Blumenthal", with a stylized flourish at the end.

**Testimony to the Committee on Housing and Executive Administration on
B24-0617 – District Waterways Management Authority Establishment Act of 2022**

Name: Justin Chambers
Address: 650 Wharf St SW #50 Washington, DC 20024
Phone: 919 602 7607
Email: birddream9@gmail.com

Hello, my name is Justin Chambers. Thank you for reviewing my testimony in support of this bill to better manage Washington DC's waterways and their use. I've loved being around water and boats my whole life. So, it's both understandable and remarkable that I've been living on a boat in the Washington Channel for the last fifteen years. In that time, I've developed a profound love of this lifestyle and the folks around me who have chosen the same. Since becoming a liveaboard resident, I've participated in and organized numerous water-driven events and activities including boat parades, river clean-ups, river cruises, as well as recreational activities like swimming, fishing and paddling various smaller vessels. I've taken boating courses through nationally-recognized boating organizations (Potomac River Power Squadron) and been on boards of local boating clubs (Port of Washington Yacht Club). I've traveled in my boat to nearly every navigable tributary in the tidal Potomac River, as well as many parts of the Chesapeake Bay. So, it should not be a surprise that I fully support any measure that might ensure the protection of, as well as safe and equitable use of these waters that I consider home.

Given the looming development along many sites along Washington DC's two rivers and waterways, it is critical that a pro-active, comprehensive plan be established now, to ensure the safety, enjoyment, and vibrancy of our nation's capitol waterways. This bill creates a valuable mechanism to listen to and respond to the needs and concerns of all users of DC's waterways - not just developers who often have the resources and contract lobbyists to advocate for commercial interests.

In my fifteen years of living along the Washington Channel, I have closely tracked the progress of the Wharf redevelopment. I've participated in numerous planning sessions with stakeholders in my marina (Gangplank Slipholders Association) as well as leaders from the Wharf development team. As we learned about plans for luxury condos, restaurants, and shopping on land, concern grew as to how this project would impact those of us who use and live on the water. Most of the families who have called this marina home do so because it has been an affordable lifestyle and a closely knit community. And while the project has brought exciting venues to the area, it has come with costs. Fishing along the Wharf has been prohibited which seems to impact mostly people of color. There is no apparent programming in our relatively narrow channel to prevent a 100+ ton vessel from encountering a patron renting a kayak, other than reliance on the skill and experience of said operators. The situation is similar at the Navy Yard, Georgetown, and Old Town Alexandria waterfronts where I've witnessed far too many near-misses. While some risk is unavoidable, a management authority and plan would go a long way to establish a more comprehensive standard to ensure safe and equitable use of these waters - especially given the heroic efforts to clean up these rivers. I fear that if we do not have a management authority to consider the spectrum of community interests - from the small community of liveaboards to the corporate boardrooms of developers and investors, the District's waters will become at best, inaccessible to its residents or perhaps worse, downright chaotic and dangerous.

Similarly, as a liveaboard in the newly-visioned Wharf Marina, I've seen skyrocketing fee increases and cost-cutting practices that will harm the river such as canceling bulk trash and hazardous waste removal that had existed before. Sufficient trash services and hazardous waste removal are standard practice in marinas, and to remove these services goes against the recommendations of the EPA and certified Clean Marina programming for marina operators to keep rivers safe and clean.

I live in the largest liveaboard community on the east coast, existing along DC's southwest waterfront for nearly half a century. We are a smart, energetic, and diverse community that are a vital and vibrant part of the District fabric. I have hope that with passage of a bill to responsibly program and manage use and development of DC waterways, more of its residents will rightfully rejoice in the wonders of this beautiful natural resource. Thank you for taking time to consider this urgent matter.

With many thanks,

Justin Chambers

**TESTIMONY BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
HEARING ON THE DISTRICT WATERWAYS MANAGEMENT AUTHORITY ESTABLISHMENT ACT OF 2022
OCTOBER 6, 2022
BY JEREMY M. EBIE
FOUNDER AND CEO
PHOENIX INFRASTRUCTURE GROUP
On behalf of the M-495 Commuter Fast Ferry Stakeholder Group**

Thank you to the Council for providing the proposed legislation serving as the grounds for this testimony. On behalf of the M-495 Commuter Fast Ferry, we applaud this committee's effort to establish a framework for more comprehensive planning for use and protection of the District's waterways—the Anacostia and Potomac Rivers and the Washington Channel, and provide testimony in support of this effort. I am a resident of the District of Columbia and my firm, the Phoenix Infrastructure Group, is an investment and advisory firm based in Washington, DC and focused on improving the assets that support economies and communities. We are an investor in the innovative DC Smart Streetlights Project, which closed this May and is being delivered to the District. We currently provide project advisory services for local DC infrastructure projects including Washington, DC Union Station. Finally, we have been retained as an advisor to the M-495 Commuter Fast Ferry Project, a project to procure, design, build, finance, operate and maintain a passenger commuter ferry service from the Occoquan tributary in Woodbridge, Virginia, to Joint Base Bolling-Anacostia, Department of Homeland Security, and several docking locations on the Potomac River including potentially the Wharf, National Landing, among others. This project is designed to deliver commuters from Virginia to and throughout locations in the Washington DC region while removing vehicles from I-395/95/295 and other expressways leading to the Washington, DC. In achieving this goal, we hope to improve the lives of those working at companies and military installations throughout the region, including the Pentagon, by reducing their commute and providing an enjoyable trip to and from the District

and surrounding areas. Additionally, this project is designed to make use of the underutilized Potomac River as a regional transportation system while reducing the carbon footprint for the National Capital Region (NCR), while supporting the transfer of economic value to the District directly every day via thousands of project passengers daily. Substantial passenger water transit along the Potomac and within the DC region has the potential to add diversity to the region's transportation system while offering greater connectivity than current land-based modes. In addition, the development of water transit can add resiliency and the ability to add new resources for emergency management within the region.

Specific benefits that the M-495 Stakeholder Group have identified, include:

- Job Creation: Staffing can be trained and certified in maritime operations and maintenance
- Alleviate Gridlock: DC Region has some of worst gridlock in US; I-95/395 has the most "reliably unreliable" commute times, and 71% of workforce commutes. Development along the waterfront are taking place at: The Wharf, Diamond Teague Park
- Diversity, Equity and Inclusion: Underserved communities in the District Region lack optionality in transportation, which has resulted in less access to jobs, education and healthcare sources across the region. Additional affordable transportation sources such as ferry transportation on the Potomac and Anacostia rivers will be a significant added value to communities traditionally underserved.
- Low Barrier to Entry: Compared with other transportation modes, lower startup costs, faster to operationalize, more scalable, lower maintenance costs

- Economic Development, Commuter Transit: Can be built around current and planned employment centers, and provide reverse commute option for exburbs
- Economic Development, Tourism/Recreation: Access to Retail, Recreation & Tourist Sites, and Events on the Water (soccer stadium, National's Park, and new residential
- Emergency Preparedness Expanded evacuation and rescue capabilities ("Miracle On The Hudson")
- Expanded Military & Homeland Security Capabilities: Conduct water evacuations, mobilize personnel and supplies

A significant impediment to the delivery of these benefits is governance of the waterway system - there is no single agency or organization with overall responsibility or authority to encourage, sponsor, regulate, or monitor water transportation in the region. To the contrary, there are many agencies (federal, state, and local) with overlapping, sometimes conflicting control and authority that are brought to bear on almost any activity that occurs on or near the region's waterfront and waterways. This mixed bag of exercised control and authority has made waterfront development and the return of water transportation to the waterways of the region far more complex and challenging than what has been commonly experienced in many waterfront communities throughout the US.

In enabling water transportation to offer its benefits to the region, the District of Columbia is deliberating the establishment of a commission and management office with overall responsibility to establish order and even-handed control to the development and activity

occurring on the waterways. The initial proposed composition of the Commission seems appropriate to the initial task, but we would assertively suggest a Commission composition that includes technical experts including transit, transportation and ferry technology experts, engineers, consultants, operators, and potentially investors to the Commission. We suggest adding these types of members to meet what we see as potentially a significantly complex transit system that ultimately will be best served by including the guidance of experts across all disciplines, much as our stakeholder group is composed. The Fast Ferry Stakeholder Group and its advisors offer ourselves as a source of reference to the potential Commission in this regard.

Along with the Commuter Fast Ferry Stakeholder Group, which is comprised of public, private and non-profit entities throughout the District region that have previously provided testimony to this committee, we believe that a governmental entity that is defined and deliberate in its mission and goals can be an effective in ensuring the proper management of the river on behalf of the District of Columbia. As an advisor to a potential operation on the rivers, our concern relates to any added challenges that may make operation of a ferry transportation more difficult and burdensome to commerce and transit due to increased bureaucracy and regulation. To that end, we welcome the forthcoming of legislation to manage activity on the waterway as necessary activity given its significance to the region as a mode of transportation and as a strategically sensitive asset, and we welcome oversight by the District that is cognizant of the community and economic benefits of this incredible asset to the District.

The M-495 Stakeholders have completed the first phase of a business case, I would be happy to arrange for a presentation and discussion on the findings that address the financial, operational, and governance structure.

Thank You for Your Time.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Ebie". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeremy M. Ebie
Founder and CEO
Phoenix Infrastructure Group

For a list of the prior studies and the work done to date for the M-495 Stakeholders website at:
<http://potomaccommuterfastferry.com/>

Date: Thursday, September 29, 2022 (Robert Anthony Ford Testimony page 1 of 3)

Good afternoon and AHOY esteemed members of the DC Council, Committee on Housing and Executive Administration.

My name is Robert Anthony Ford ("Tony"). I am the Commodore (President) of Seafarers Yacht Club of Washington, DC (SYC). I am a native Washingtonian and long-term resident of Washington DC.

I am here today to speak with you about a long term issue as it involves Waterways Management on the Anacostia and its impact on Seafarers Yacht Club (SYC) on DC's Historic Boathouse Row and the importance of how the **"B24-0617 – District Waterways Management Authority Establishment Act of 2022"** Bill is needed.

By definition, this **"Act"** appears to address the exact concerns realized by all boaters on the Anacostia, especially those establishments located North of the 11th Street Bridge and South of the CSX Bridge.

SYC is in jeopardy of extinction by way of **mostly** siltation. Siltation simply means that the land beneath the water is rising creating more shallow waterways annually on the Anacostia. However, it appears that the human factor plays a role to contribute to SYC's potential eminent extinction by way of **inaction**. The marinas on the Anacostia are losing at least 6 inches of water annually, based on known previous DC Government Administrations researches. View the results of the many years of **inaction** in the attached photos.

The last collective action from DC Government was the "2018 Anacostia Feasibility Study" (See attached). As a former Red Cross Instructor and former DC Government Supervisor, I've learned that in certain known emergency circumstances the Local and National Government entities simply have a "Duty to Act." This seems to clearly be one of those circumstances.

After **many** years of **many** meetings with DC Government Agencies we can only pray that an "Action Plan" for Boathouse Row can be realized and implemented immediately. SYC is aware that we at least need to be included on DMPED's Office of Planning calendar so that we aren't overlooked by incoming Administrations. SYC supports the **"B24-0617 – District Waterways Management Authority Establishment Act of 2022"** Bill.

Seafarers Yacht Club of DC as well as the other historic Anacostia Boathouse Row clubs provide affordable community boating. All Boathouse Row Clubs are unified in our efforts and interest to procure long-term leases OR some sort of a land transfer deal as long-term stewards of Boathouse Row. This would be a first step in strengthening our relationship and confidence to move forward. All Boathouse Row Clubs have a similar or the same expiration date under our "License" terms which ends in the Winter of 2024. SYC is starting to feel that discussions are being avoided due to potential development deals that may be taking place that do not include SYC's input.

We have been transparent in our efforts over the past 20 years and believe that the **"B24-0617 – District Waterways Management Authority Establishment Act of 2022"** Bill can help. We are the most community active club on Boathouse Row who's presence is known for the following:

1. **History – the Oldest African American Yacht Club in the United States**
2. **SYC is the originator of the Anacostia River Cleanup in 1985, now led by AWS since 1989**
 - a. SYC is still very active in this effort annually and the founder is still a member of SYC (Past Commodore Howard Gasaway, Sr)
3. **SYC provides Boat Safety Training annually via the US Power Squadron and US Coast Guard Auxiliary**
4. SYC shares our facility with the community (meetings, events, etc.)

Date: Thursday, September 29, 2022 (Robert Anthony Ford Testimony page 2 of 3)

5. SYC works with local youth throughout various programs sharing the lifestyle of boating and fishing as well as partnering with local non-profits that do the same (**Kappa Alpha Psi's "Kappa Leaguers"** youth program, etc.)
6. SYC speaks with local schools (i.e. **Brent ES, Eastern HS, Anacostia HS, etc**) to share the history of the Anacostia
7. SYC partners with other local non-profits who procure DC grants to tell our story and help with construction development opportunities on a regular basis (i.e. Double Nickels, Phillips Gallery, 11th Street Bridge Park, Friends of Anacostia, Anacostia Economic Development Corporations, etc.)
8. Miscellaneous other outreach – coat drive, turkey drive, feed the homeless donations, etc.

Since October 2015 our clubs have been meeting with various Councilmembers & Government Agencies to collectively move our many discussions into an implementation plan in which all stakeholders could be agreeable. Since then it has been a slow and arduous process.

The **"B24-0617 – District Waterways Management Authority Establishment Act of 2022"** Bill appears to definitely be needed to help expedite important projects on the Anacostia River and Washington Channel, especially addressing the concerns of the historic SYC that's at risk of becoming extinct regardless of its very significant local and national historic status. The siltation issue **can be fixed** with the city's support.

We urge you to review the following past DC Hearings' information relative to all Boathouse Row Clubs' efforts in working collectively together with DC Government over the past 7+ years:

1. Zoning Hearing Dec 1, 2014 (1333 M Street SE Project) Fast Forward through the following testimonials relative to Boathouse Row <https://view.earthchannel.com/PlayerFlex.aspx?PGD=dczoning&eID=370&iID=2280>

Tony Ford (2:55:00 to 3:02:13) Review entire hearing to learn more about the entire plan for 1333 M Street during that time frame. ("It's an eye opener!").

2. CM Allen and CM Mendelson Hearing Oct 26, 2015 (Committee as a Whole with feedback from the Director of Economic Planning and Development) http://dc.granicus.com/MediaPlayer.php?view_id=&clip_id=2908 Date: Wednesday, February 27, 2019 (Robert Anthony Ford Testimony page 2 of 2)

Historic Anacostia Boating Association (HABA): (01:59:00 to 02:24:40) and

Seafarers Yacht Club: (02:24:50 to 02:37:40).

Other relative support came from the following: Stan Jackson (Anacostia Economic Development Corporation President) panel segment regarding Anacostia Waterfront & Economic Development on the Anacostia is from: (01:00:54 to 01:05:20 and 01:12:00 to 01:13:55). This organization supported the Boathouses in achieving their facade grants.

Mendelson's discussion with Deputy Mayor Kenner about the Anacostia Waterfront, Boathouse Row and Buzzard Point - segments are from (04:15:30 to 04:25:30).

Charles Allen's discussion with Deputy Mayor Kenner regarding the Anacostia boathouses (04:35:30 to 04:44:50).

Date: Thursday, September 29, 2022 (Robert Anthony Ford Testimony page 3 of 3)

3. CM Cheh Hearing Jan 2018 ("The Year of the Anacostia" with feedback from the Director of Energy and the Environment) http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4304. Fast Forward to the queue to the following testimonials relative to

Boathouse Row Toni Ford (2:30:00-2:35:00) Seafarers supporter (via Double Nickels) & All Boathouse Row Clubs (Also, see attached written testimony submitted for this hearing from SYC Commodore Tony Ford)

Steve Ricks (2:38:00-2:44:00) - HABA (All Boathouse Row Clubs; emphasized the siltation issue currently facing SYC) Tommy Wells (3:29-3:35 and 3:48-3:51)

4. CM White Hearing Mar 8, 2021 Committee on Government Operations & Facilities, Performance Oversight Hearing, http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=6217

Tony Ford Testimony on behalf of SYC:

4:00:24-4:05:17 SYC testimony from T Ford

4:15:57-4:17:49 reply exchange from CM White to SYC

4:21:05-4:22:50 reply exchange from CM Gray to SYC

Lastly, on behalf of SYC, thanks for the opportunity to share SYC's perspective, concerns and hopes for an aggressive implementation plan to follow the passing of the **"B24-0617 – District Waterways Management Authority Establishment Act of 2022"** Bill to help preserve environment, navigable waterways and affordable boating on the Anacostia.

Regards,

/s/Robert "Tony" Ford

Commodore (President)

Seafarers Yacht Club DC (SYC)

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202 557 5699

**Written Testimony on COHEA Hearing on B24-0617 - District Waterways Management
Authority Establishment Act**

My name is Kathleen Heet and I have been a liveaboard resident at Gangplank Wharf Marina since December 2011. I was the Gangplank Slipholder Association President, GPSA, from Jan 2015 through July 2016. I am very active in the community and participated in the Southwest Neighborhood Assembly's Waterfront Taskforce in 2018 and 2019, and have participated in all zoning committee hearings related to The Wharf.

This bill is needed to establish a plan for fair and equitable access to the river for all who wish to utilize it to ensure there is a true and deliberate attempt to address the diversity, inclusion, equitability, and accessibility conceptual backdrop to your assessment process in your bill.

Our community serves a wide range of river enthusiasts; kayaks, paddle boats, canoes, jet boats, dinghy use, dragon boats, rowers, as well as the numerous recreational sailboats and motor boats. Many of the last categories; sailboats and motor boats also enjoy the privilege of not only recreating but living in the Southwest waterside neighborhood. Our Potomac, Anacostia, and Washington Channel neighbors and at large DC/ greater metro area users are critical to include in the long term vision of these magnificent waterways of our Nation's Capital. We have an opportunity to plan this right to ensure our legacy of deliberate inclusion is ours at this time so truly appreciate your consideration.

This bill could also help ensure that there are proper planning and safeguards in place for liveaboard communities that reside on the water. Now that the Wharf Phase II is finishing liveaboard boaters are acutely feeling the lack of protections since there are no policies governing liveaboard boaters like tenant laws protect renters. With the current management company services at the marina have been reduced, for example, we used to have the opportunity to dispose of oil and gas, batteries and light bulbs. We are told oil and gas can be disposed of twice a year, but do not have a schedule for this. We also learned that management plans to add an initiation fee to the sale of all boats (basically a non-refundable deposit for moving into the marina). Slip fee increases are also being proposed up to 50% more than what we are currently paying and at least 50% more than James Creek, Capital Yacht Club and Tantallon are paying. This could lead to not being able to sustain our community.

It is critical for the district to establish a Waterways authority to regulate activity on the water and not leave it up to individual developers to decide usage.

Kathleen Heet
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redheeter@gmail.com

2022 09-29 Anita Bonds Hearing CYC Input

From Laurence Kent Jones, Commodore, Capital Yacht Club

Unlike other testifiers, I did not have prepared written testimony. But, I believe I made these points:

1. The Capital Yacht Club has been on the Washington Waterfront and now The Wharf since its founding in 1892, so we have the liveliest interest in the health of the waterways and urban riparian environment. We were one of the groups that kept the Waterfront alive and vital during the '80s and '90s. In recent years we have become increasingly involved in the SW neighborhood in support of our neighbors and community.
2. We believe that the liveaboard communities of Washington are a feature, not a bug, of the waterways.
3. One of our members asked me to tell the hearing that we want enhancements, not restrictions, from this initiative.

In the discussion after Seafarers Commodore Ford's testimony I made the point that I supported his plea on the silting up of the Anacostia River both because I support sibling Clubs and because I wanted to largest possible scope for boating activities. I noted that the navigable entrance to the Washington Channel appeared narrower and shallower than it did when I started boating in it over twenty five years ago.

Jason Koop
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October 6, 2022
The Committee on Housing and Executive Administration
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 116
Washington, D.C. 20004

**Testimony to the Committee on Housing and Executive Administration on
B24-0617 – District Waterways Management Authority Establishment Act of 2022**

This testimony is in two parts, oral comments provided at the 9/29/22 hearing, and additional written testimony.

Many thanks to Councilmember Bonds and Committee for the opportunity to provide testimony on this important matter.

I. Oral Testimony as Prepared for Hearing on 9/29/22

Good Afternoon - and thank you and the committee for considering this bill. My name is Jason Kopp, I am a liveaboard boater residing in SW DC since 2007. I have been closely involved with maritime development in the neighborhood during the past 15 years as a former president of the Gangplank Slipholders Association (SW's liveaboard community - that will also provide testimony today), and former chair of Southwest Neighborhood Assembly's Waterfront Planning Task Force (2015-2018). I am here today as a DC resident who lives and recreates on the water and is passionate about equitable opportunities for DC residents to access, recreate, conduct commerce, and live on and around the city's waterways.

I became interested in this topic during zoning hearings for Phase I of the Wharf in 2012. At the time, many questions related to water access and use were raised: who decides where maritime infrastructure should be located? How should maritime traffic be designed? Where should water taxis, mooring balls, and kayak and paddleboard rentals be located? Is a fuel dock needed? What about a harbor master building? Where is public access to the water? Should fishing be allowed? What about liveaboard boaters?

The Office of Planning said these questions were outside of their scope. Army Corps of Engineers (ACE) said they approve infrastructure if it adheres to regulations. DDOT said they don't plan for on-water activity. Harbor Patrol stated that their role is law enforcement and public safety. The upshot: developers for the Wharf made decisions related to access and use of the

Washington Channel along their property. Similar decisions have been made by developers at Navy Yard on the Anacostia.

The Anacostia Waterfront Framework Plan provided an overall vision for landside development that led the city to embrace the river as an asset. However, when it comes to water access, uses, and infrastructure, the plan has scant information. That is why this bill is so critical. It would provide the district with an opportunity to create a plan with a whole-of-government approach to ensure equitable and safe use and access of DC's waterways.

For a successful example, look at Baltimore's Maritime Master Plan - it catalogs water assets and infrastructure, evaluates stakeholder needs, and plans for the future, using a comprehensive approach and incorporating input from maritime professionals. The plan intentionally separates maritime commercial and recreational activities where possible for safety reasons. A stark contrast to the Wharf, where (despite many positive aspects bringing the population to the SW waterfront) water taxis load passengers after first passing by recreational and liveaboard marinas and kayak and paddleboard rentals. There is also no easy-to-use public access for personal watercraft and no fishing.

Hundreds of thousands of people use the Potomac, the Washington Channel and the Anacostia every year. Their needs have never been comprehensively cataloged nor are their opinions routinely sought when decisions about land use are made. When waterside development decisions relegate waterway uses to a secondary or tertiary position, decisions are made by default. This affects boaters, paddlers, and fisherfolk alike. Waterfront development must take into account the needs of commercial and recreational users of the waterways. There is currently no structure for this to occur. Our rivers are not just attractive backdrops for development. Managing access and traffic cannot be left to the whims of developers. World class waterfront development can't ignore water users. DC residents deserve better.

Thank you for your time today. I urge the committee to pass this bill to ensure the District can be proactive in responding to the growing needs of communities on and around the water through coordinated planning of waterway usage.

II. Additional Written Testimony

There is an urgent, critical need for the District to establish a waterways authority and an inclusive, representative commission to create a comprehensive access and use plan. Safe, navigable waterways with equitable opportunities for access and use are in the balance.

Every day that passes, piecemeal decisions are made by individual development/infrastructure projects (e.g. commingling commercial and recreational maritime use at The Wharf with no traffic safety plan, loss of DC Sail in Southwest due to no location for safe operation at The Wharf, no meaningful public access for personal watercraft at The Wharf, and old pilings being left as navigation hazards on the Anacostia under the new Frederick Douglass Memorial bridge). In

addition, time is running out to preserve historic Anacostia boat clubs losing navigability while their infrastructure ages. The lack of planning, resources, and infrastructure to preserve navigability and support the Anacostia boat clubs will have racially disparate impacts on DC's historic boating communities:

<https://www.npr.org/sections/codeswitch/2017/09/01/543411917/they-built-their-own-boating-shangri-la-preserving-it-may-be-just-as-hard>.

Councilmember Bonds asked those testifying during the hearing if the bill is related to the committee's work on housing. As a long-time liveaboard resident of Southwest DC, I would be remiss not to mention how not having a centralized plan for waterways has impacted the Gangplank liveaboard community at The Wharf. Our community is the largest on the East Coast, with over 100 residents living on 94 boats. Prior to starting development, Monty Hoffman made a commitment to keep a vibrant liveaboard community in Southwest. However, the lack of a plan or applicable coordination with housing authorities and relevant statutory protections for liveaboard communities in the District means that the community exists at the whims of a commercial development entity. That entity's purpose is to maximize profit from its project at The Wharf.

While The Wharf Marina has new infrastructure, its contracted management company has reduced staffing to the point that they cannot properly care for infrastructure and the marina has stopped collecting and disposing of hazardous waste (oil, gas, batteries and light bulbs). These decisions do not support the work and efforts of the \$2.2 billion DC Clean Rivers initiative. Having a management authority that reviews a development's plan for trash mitigation, hazardous waste disposal, and maintenance of infrastructures to better inform relevant zoning and permitting authorities is vital to ensure that the businesses that derive so much financial gain from our waterways protect it for the enjoyment of the rest of the city's residents.

Most alarming, the management company plans to raise slip fees over 50% for the 2023 season and add new fees with no corresponding services. These increases will total in the tens of thousands of dollars per liveaboard. Such fee increases are unaffordable for many of the families who call the water home. There are no other liveaboard options in the District and no other marinas with infrastructure to support the community and many of its vessels. Without urgent action, the community is unlikely to survive. This, despite the promises that Monty Hoffman made (to maintain the vibrant Gangplank liveaboard community), which were incorporated into the findings of fact from Zoning Commission Case 11-03 on Oct 17, 2011. These findings stated that Hoffman-Struever Waterfront, L.L.C.:

"During construction of the project, will provide for a live-aboard community at the redeveloped Gangplank Marina for approximately the same number of live-aboard slips as exist as of June 2011 (94 slips), with provisions for retention of existing live-aboard slip holders."

A comprehensive plan for water use in the District could address the basic needs of liveaboard communities with regard to infrastructure, services, and affordability. Currently, the liveaboard community is not covered under any DC housing or tenant laws. We all deserve a safe and affordable place to call home. The community that has called the Washington Channel home for over 45 years is now at risk. A waterways management entity can help coordinate with the DC Housing Authority to better understand the impacts of displacement for us and other land-side communities in areas adjacent to waterways.

Respectfully submitted,

Jason Kopp

October 6, 2022

Dear **Councilmember Bonds and Members of the Committee on Housing and Executive Administration,**

I write in support of B24-0617 - the District Waterways Management Authority Establishment Act of 2022.

By way of introduction, my name is Bob Link and I am the only current declared candidate for the ANC 6D01 Single Member District (SMD) in the November 8th election. The 6D01 SMD has a unique position on the map of Washington DC since it is the only ANC SMD which contains direct access to all three (3) of the waterways which are proposed to be managed by this act (the Potomac River, the Anacostia River and the Washington Channel).

In addition, I am a permanent DC resident at the Wharf Gangplank Marina located on the Washington Channel. This unique liveaboard community (the largest in the mid-Atlantic region) is home to over a hundred District residents who make their homes on boats and other vessels. I have lived aboard a 38-foot barge (aka “floating home”) for nearly seven years with my wife. We chose to relocate to SW even before we chose to live at the Wharf Gangplank Marina. We love our SW community, and we love to enjoy all the fun offered by our local waters. I want to ensure opportunities to live and recreate on the water are available to not just liveaboards, not just Southwest but all DC residents!

During my time living in Southwest, several concerns have arisen. As local waterfront communities have been developed at The Wharf, Navy Yard and Buzzard Point, I have witnessed a significant increase in marine vessel traffic. I have serious ongoing concerns about the safety of boat traffic, especially the relationship between commercial and recreational boat vessels. There is not a known comprehensive plan for maritime traffic and I am unaware of any DC agency with authority to design maritime traffic plans. Furthermore, consistent and even enforcement by Harbor Patrol is not possible in the absence of a comprehensive framework.

Easy access to our waterways by residents and visitors is another important issue. While DC’s changing skyline is impressive, the District must identify opportunities to ensure its use is equitable and represents the needs of all DC residents regardless of where they live in the District.

The District of Columbia Clean Marina Program, established in 2002, is a partnership among the National Park Service National Capital Region (NPS), which manages the many shorelines in the area; the District Department of the Environment, which manages water quality; and yacht clubs and marinas in the District. The program (<https://doee.dc.gov/service/dc-clean-marina-partnership>) was formed to promote environmental stewardship, waste minimization and pollution prevention at marinas, clubs, and boatyards on the Anacostia and Potomac Rivers and

the Washington Channel. It is important to note that it is a voluntary program that encourages marina and boat club operators, as well as individual boaters to take steps to reduce pollution and protect and improve environmental quality. Unfortunately, the Clean Marina program appears to be stagnant and voluntary participation suffers today from a lack of overall coordination and management, something that I believe could easily be reversed and expanded with the establishment of this Act.

Furthermore, preserving and expanding a vibrant liveaboard residential community not just on the Washington Channel but at other “safe harbors” around the District will increase the number of affordable living options for DC residents who crave a connection to nature while living adjacent to and within a dynamic urban environment. Vibrant liveaboard residential communities represent “intentional communities” with a shared commitment to well-being that results in highly engaged DC residents, not just for water issues but all challenges that reduce the overall enjoyment and use of our shared land and water assets. I believe the proposed Act could truly re-invigorate the opportunity to make DC a leader in this type of housing, something that can only happen with a shared framework and overarching guidelines for cost, safety and infrastructure.

For these reasons and more, a coordinating authority and a plan are necessary to ensure that DC’s waterways remain active, available, safe and healthy for all DC residents. I urge the committee to consider and pass B24-0617 - the District Waterways Management Authority Establishment Act of 2022.

Sincerely,

Bob Link

Candidate for ANC SMD 6D01

Wharf Gangplank Marina

650 Wharf Street, SW, Unit 47

Washington, DC 20024

Link6D01@gmail.com

202.922.0122

Hello!

I am Jean Link. I have lived in the liveaboard community at the Wharf, now called Gangplank Slipholders at the Wharf Marina, since February of 2016.

My husband, Bob Link, and I live at 650 Wharf ST SW, Unit 47, Washington, DC 20024.

I support the District Waterways Authority Establishment Act of 2022 and that a comprehensive plan will coordinate the many varied and un- and under-represented water interests in Washington DC. These interests were discussed during the recent COHEA Hearing on B24-0617, and more were referenced. We heard that testing shows swimming in our waterways could become a possibility again, long-time DC Anacostia boat houses are silting in and becoming unusable, and on the other end of the spectrum, we have numerous developments and projects along the waterways that are making decisions without input from all possible sides. Decisions on and for the waterways being made by DC agencies and developers would be greatly enhanced by having access to a commission of experts well-versed in the rules, laws, plans, and diverse interests in the District.

I believe water access should be equitable. Local fishermen in SWDC are primarily men of color and they have been relegated to only being able to throw in a line from the National Park Service lands such as Haynes Point and the Titanic Memorial seawall. None of the current developers of the Wharf, Navy Yard, or Buzzards Point are allowing fishing.

I believe being on the water near a city must be planned to be as safe as possible. I have watched extremely dangerous and completely avoidable situations unfold - oblivious kayakers sitting in front of the massive water taxis expecting the water taxi to stop in their tracks and paddling behind cruise boats making them wait while the kayaker gets in close for a view of the dinner cruise guests. There are rules on the water which keep everyone safe, but novices aren't familiar with these rules, and Harbor Patrol can't be everywhere. We need experts to guide the decisions on designating locations for recreational water activities, transportation, etc.

I believe DC has unique assets near the water that many residents don't even know are at risk. If there was a commission noting those assets and thinking about them in a larger plan for the District, we would not lose them, we would embrace and take care of them.

I believe DC liveaboard communities need consideration in the greater picture as well. Living aboard has historically been an affordable way to live inside the District and many many Federal workers, bartenders, teachers, families, as well as retirees - all makes and models of residents - can be found in my community. While the Wharf Marina is well-funded and claims to want a vibrant liveaboard community, it has reduced services to our community while making it much more expensive to live here. The marina has increased fees for living here by 1/3 in the past seven years and at the same time reduced important services. Services such as those required by a clean marina designation are being reduced or eliminated. We have seen the elimination of both hazardous waste collection and the onsite disposal of used oil. There is now limited trash collection, a lack of adequate parking for traditional marine services, minimal safety planning, and minimal security, and they are understaffing the docks. Wharf Marina continues to increase fees and expenses to our full-time community. Meanwhile, their day and seasonal docks are not filling up with boaters even during the traditionally busy-in-the-marina holidays - the Fourth of July and Memorial Day - possibly because they are asking too much in fees and not offering enough services there as well. This marina was owned and managed by the District before it

was handed to developers. It is one of the incredible assets of the District - an active marina with live-aboard residents. This is my home and long-time residents of the District live here and are struggling to find the resources to stay here under these financial pressures. This is an example of how a commission could be a resource for the Wharf, the District, and our community to advise on how to appropriately guide the management of the marina.

I thank you for your time and service.
Best wishes,
Jean Link



Testimony of Steve Moore

Committee on Housing and Executive Administration

Bill 24-617 "District Waterways Management Authority Establishment Act of 2022"

September 29, 2022

Thank you for the opportunity to provide testimony on Bill 24-617 "District Waterways Management Authority Establishment Act of 2022." My name is Steve Moore, and I am the Executive Director of the Southwest Business Improvement District.

The Southwest Business Improvement District (SWBID) is a 501(c)(6) corporation that was established in December of 2014. The SWBID spans 483 acres south of the National Mall, including the SW Federal Center, the District Wharf, and the Southwest Waterfront neighborhood. The work of the SWBID is to make this community more connected, the neighborhood more beautiful, and create more opportunities for people and businesses to thrive.

I am delighted to offer my support for this important legislation and thank Councilmember Allen and his co-introducers for leading the effort on this bill and Councilmember Bonds for holding today's hearing.

Washington is a city on the water, and nowhere is that more true than here on the Southwest waterfront. We are a community that has never needed to rediscover our rivers – the water has always been close to our heart. We are a neighborhood on the water and we interact with our waterways in every way imaginable. We sail, we boat, we kayak, we paddleboard, we live on houseboats, we commute by water, we stroll by the water in the morning, we dine by the water in the evening, we celebrate together along the boardwalk.

Every day we see the urgent need to protect the health of and access to the Washington Channel, and to ensure the safety of the many different users of our waterways. In truth, this is a happy problem to have – the diversity and density of waterway users is a clear testament to the successful revitalization of the District's waterfront.

In 2003, the Office of Planning's Anacostia Waterfront Framework Plan (AWFP) set forth the following goals:

- Charting a course for the environmental healing and rejuvenation of water-dependent activities on the Anacostia River;
- Rethinking transportation infrastructure to improve access to waterfront lands and better serve waterfront neighborhoods;
- Creating a system of interconnected and continuous waterfront parks, joined together by the Anacostia Riverwalk and Trail;
- Enlivening the waterfront to celebrate and explore the cultural heritage of our city and the nation;
- Promoting sustainable economic development by reconnecting the city across the river and to a vital waterfront that offers opportunities to live, work and play.

In the nearly two decades since the AWFP, the District has made enormous strides toward meeting these objectives. Our waterways and waterfronts have never been so active and vibrant. And while we are fortunate to have a great many advocates and organizations and volunteers working to support the public enjoyment of our rivers, there's no single entity within government tasked with coordinating this work.

The District Waterways Management Commission envisioned by this bill would become that internal government advocate and clearinghouse for our rivers, fostering regional cooperation and leveraging resources and expertise. Bringing together subject matter experts, District agencies, and federal partners to collaborate and coordinate will enhance economic growth and safety on our waterways and support cleaner, healthier rivers.

We look forward to working with the Commission toward the continued vibrancy of our shared waterfront. Thank you for your consideration of this testimony and I am glad to answer any questions.

October 5, 2022

Dear **Councilmember Bonds and Members of the Committee on Housing and Executive Administration**,

I write in support of B24-0617 - the District Waterways Management Authority Establishment Act of 2022.

The Wharf Gangplank Marina is home to over a hundred District residents who make their homes on boats and other vessels. I have lived aboard a 45-foot trawler for nearly seven years with my daughter. We love our SW community, and we love to cruise the local waters. We want to ensure opportunities to live and recreate on the water are available to all DC residents.

However, in recent years a number of concerns have arisen. As local waterfront communities have been developed, we have seen a significant increase in boat traffic. Many of us have serious concerns about the safety of boat traffic, especially between commercial and recreational boat vessels. There does not appear to be a comprehensive plan for maritime traffic, and I am unaware of any DC agency with authority to design maritime traffic plans.

Easy access to our waterways is another important issue. While DC's changing skyline is impressive, the District must identify opportunities to ensure its use is equitable and represents the needs of DC residents, not just the desires of developers in one-off projects.

On May 13, 2009, the District signed a land disposition agreement (LDA) with the developers of the Wharf. Previously, our marina was owned by the District. The LDA brought our liveaboard community at Gangplank under the management of those developers.

While we are grateful for some new amenities, I am concerned about the reduction of basic services, especially those impacting the environment, including those previously required by Clean Marinas. Currently there is no hazardous waste collection and no onsite disposal for oil. Additionally, we are experiencing limited trash collection, lack of adequate parking for traditional marine services, minimal safety planning, minimal security, understaffing of qualified marina personnel, and increased slip rates and fees, including proposed future increases.

For these reasons and more, a coordinating authority and a plan are necessary to ensure a vibrant waterfront community for all. I urge the committee to consider and pass B24-0617 - the District Waterways Management Authority Establishment Act of 2022.

Sincerely,

Ramsey Poston
Wharf Gangplank Marina

650 Wharf Street, SW
Washington, DC 20024
202.656.1698

Patrick Revord
760 Maine Ave SW
Washington, DC 20024

October 6, 2022

Subject: Written Testimony Regarding DC B24-0617 District Waterways Management Authority Establishment Act of 2022

Councilmembers:

On behalf of The Wharf community of businesses, residents, and property managers, we support the overall initiative of DC B24-0617 to align and improve DC's waterways, and we look forward to the Act's passage with some slight clarifications and modifications—including creation of an 'Office of Waterways Management'—detailed below.

The Wharf is composed of 27 acres of land and 50 acres of riparian rights in the Washington Channel in Southwest DC. The property is home to over 85 shops and restaurants; a dozen residential buildings, office buildings, and hotels; and of course, a vibrant waterfront on the Washington Channel containing:

- DC's only liveaboard boat residents at The Wharf Marina, and the historic Capital Yacht Club;
- the City Cruises Water Taxi, Odyssey Cruises, and Spirit ships which together carry over 700,000 passengers each year
- the Wharf boathouse, which serves over 7,000 kayak and stand-up paddleboard users annually, and maintains a public access kayak launch;
- the Wharf Jitney, which provides free boat rides from The Wharf to East Potomac Park;
- and thousands of recreational boaters who sail or motor their own vessels up the Washington Channel to reach the marinas.

Our community recognizes that the water is The Wharf's greatest asset, and we treat it as such. We have created The Wharf Maritime Advocacy Group, of a coalition of maritime residents and businesses dedicated to improving the Washington Channel. As a community:

- we host cultural events, such as the Holiday Boat Parade, on the Channel,
- we perform regular water cleanups to remove trash and debris from the river,
- and we promote maritime safety.

Our Wharf Maritime Advocacy Group, with support from District leaders including Councilmember Allen, recently had great success in holding back the US Army Corps' attempts to restrict boater access on the Washington Channel.

Since it opened in 2017, The Wharf has dramatically expanded public access to DC's waterways and has reminded everyone that DC is a waterfront city, and we are highly invested in the stated goals of this Act—cleaner, safer, deeper, and better aligned District waterways.

Upon review of the text of the bill, and reflecting on my dialogue with Councilmember Allen during the public hearing on September 29, 2022, The Wharf shares his enthusiasm for aligning the many stakeholders and governing bodies of the District's waterways (the Act does an excellent job compiling all of the responsible parties); creating a centralized clearinghouse for waterways inside DC Government; increasing support for river cleanliness, dredging, and local control; and increasing water safety and emergency service support, and we look forward to the Act's passage to bring these results to bear.

However, we suggest some clarifications and modifications to the language used in the Act.

First, although Councilmember Allen shared that his intent when authoring this Act was that the Authority has no rulemaking authority, the language of Section 2(b) may introduce confusion that the Authority is authorized to 'plan...access to the District's waterways' and 'manage...adjacent property', among other interpretations. As this is not his expressed intent of the Act, we encourage clearer language.

Second, regardless of the directive given to the new body, using the title "Authority" implies delegations of authority to this organization—again, an intent Councilmember Allen denied. In addition, as written, the Act results in the creation a group of unpaid appointees authoring a plan to guide the District. Instead of the term "Authority" being attached to a group of part-time appointees, we support, as DOEE Director Tommy Wells specified in his testimony, the establishment of an "Office of Waterways Management" with staff dedicated to bringing creation of the District Waterways Management Action Plan to fruition and serving as water advocate.

Four areas in which The Wharf sees great value in having an Office of Waterways Management are:

1. River cleanup and water health – The Wharf's current biannual water cleanups remove huge dumpsters of waste and wood from the river at our own cost as a service to the District's waterways, but our scope is limited to the Washington Channel, and there's so much more cleanup needed across the District's waterways. The Office could administer cleanup grants and lead its own cleanup efforts.
2. Coordinating dredging for boating – As Commodore Ford testified, the Potomac and Anacostia Rivers are slowly silting, getting shallower and shallower. We're very near to preventing boat traffic such as tall ships and river cruises from reaching the District.
3. Protecting waterways from encroachment—although we have thwarted the US Army Corps' attempt to restrict boat traffic, it's possible they could pursue it again, and the District must be vigilant against that.
4. Advocating and organizing on behalf of waterways and water users, residents, and businesses in the District's plans and projects being carried out by other agencies.

We urge Council to be judicious in creation of new "Authorities" without authority. We believe, as DOEE Director Wells suggested, that DC's waterfronts and waterfront stakeholders would be best served by starting small with an established, funded office, and a clear charge to create a plan, then growing as need arises.

Thank you for your consideration and we look forward to the further alignment and enhancement of the District's waterways that result from this Act.

Sincerely,

Patrick Revord
Director of Technology, Marketing and Community Engagement
District Wharf Community Association

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October 5, 2022

The Committee on Housing and Executive Administration
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 116
Washington, D.C. 20004

Re: B24-0617–District Waterways Management Authority Establishment Act of 2022

Dear Councilmember Bonds,

I am pleased to offer my enthusiastic support of the bill before the DC Council to establish a waterways authority and commission. For the last 7 years I have lived fulltime on a boat in the Washington Channel at the Wharf Marina (formerly Gangplank Marina).


Rivers and other waterways are extremely important to a healthy local ecology and vibrant communities. They provide drinking water, fertile land, irrigation, electricity, transport, and food, not to mention a variety of recreational pursuits. People are naturally attracted to water vistas and seek out shoreline activities. The District's valuable resources of the Potomac and Anacostia rivers require sympathetic oversight and attention to ensure the health of the rivers and maximum return to DC residents and visitors. A lot of work has been performed to repair the damage done by previous generations and DC can be proud of the current condition of its waterways. The job, however, is not finished and more restoration is required to fully heal those rivers.

Damage done in the past is not the only concern this bill will address. Development and growth of neighborhoods adjacent to waterways will have an impact on them and could result in harm. Currently, without the benefit of coordinated oversight, the vision for our waterways is moving in different and often competing directions. Although most parties; developers, government officials, and community groups, are well intentioned, without everyone pulling their oars in the same direction, progress will be difficult and inefficient.

I must admit I have a vested interest since my home is on the water, but that also provides a unique vantage point to see the role that the waterways have on the community. A single body with responsibility to assess the needs of the waterways and provide a unified vision and direction will ensure improvement over the long term and avoid short term interests that may be detrimental to our rivers. The future of this important resource cannot be left to random and arbitrary decisions often based on self-serving interests. The establishment of this oversight body will ensure that expertise in the various segments of waterway management will have input.

I encourage you and the other council members to vote to approve this bill so that the important work of developing a comprehensive waterways plan can begin.

Respectfully submitted,


Robert Rowe



Gangplank Slip Holders Association
650 Wharf Street SW, Unit 91
Washington, DC 20024

D.C. Council Committee on Housing and Executive Administration Oversight Hearing on
September 29, 2022

Testimony of Tara Stutsman, Vice President, Gangplank Slipholders Association

I thank the committee for its time to consider the District Waterways Management Authority Act of 2022 and for allowing me the opportunity to testify. My name is Tara Stutsman and I am the vice president of the Gangplank Slipholders Association, and prior to that I spent part of my career in a legislative role in the U.S. Senate so I think a great deal about the larger impacts of pieces of legislation like the one we are here to consider today. Gangplank Slipholders Association strongly supports the creation of a district waterways management authority.

Gangplank Slipholders Association represents a community of approximately 94 liveaboard vessels, which is the largest liveaboard community on the Eastern seaboard. We are a historic community and have called the Washington Channel home for over 45 years. The liveaboard community is often overlooked and we fight for our continued existence. Among the challenges we face include the affordability of remaining in our marina, the impact construction and land-side development has on the community, and what the future holds for the use of the Potomac and Anacostia waterways.

To set the stage for why the Gangplank Slipholders Association and liveaboard community feels this bill is so vitally important it is important to contextualize just how much we think about DC's waterways. We bear witnesses to everything that happens in the Washington Channel and surrounding waterways. We live on the water, we work on the water, we kayak and paddle board and cruise on these waters. We know how much trash blows from construction zones and pedestrian traffic into the river and can predict where it'll pool in an eddy and we fish it back out. We test the water weekly for bacteria. We know the tides and river flow and watch the weather conditions more carefully than most to know when we need to throw out more lines or help our neighbors with snowpack that threatens to sink a boat. We know the river's traffic volume in all seasons. We know how to navigate the rivers safely, and lead by example in how to be considerate boaters in busy waterways. We know the safety hazards inherent to the Potomac and Anacostia rivers. We know when a vessel is in distress or an inexperienced kayaker is in harm's way, and are often first to offer help where we can and hail it from

professionals when we cannot. We work with harbor patrol to regularly train our marina residents on the unique safety challenges of river life. In fact, first responders often rely on liveaboard boaters to be their eyes and ears on the waters and the first to observe and report security, safety, and environmental issues. We know the businesses that operate on water and on shore. We know the water temperatures, the chop, the tides, and when the rivers will be clogged with logs and debris from extraordinary weather events.

We know the environmental impact of maritime activity and waterways development. We know how to mitigate the threat of accidental fuel spills and are among the first to report and contain them when they do occur. We know the wildlife - where the catfish like to feed, how much distance to give the night herons. We know the importance of cultural events hosted on the river and the many ways in which city residents bond with these waterways - walking along city banks, fishing off the sea walls, picnicking at Hains Point, or birdwatching in the Anacostia. We can rattle off the many types of sporting activities that are the most common on DC's waterways. We know when out of towners arrive and often are the first to greet visitors who come by boat, acting as unofficial emissaries for the city. And we know of the tragedies that can and do happen on the water, particularly those that can occur without careful consideration of waterways use and development.

I say all of this to impress upon you how much time our community members spend thinking about DC's waterways - and in particular - we think about things our current piecemeal permitting and zoning processes overlook. This is through no fault of the various entities currently tasked with making discrete and individual decisions about waterway use and development, but it is a flawed design to assume that there is a holistic and cohesive plan for DC's waterways without a corresponding authority tasked with the creation and implementation of a successful plan. The commercial and cultural impact of our waterways is massive- we must get this right as we look to future land-side developments, environmental preservation plans, maritime traffic coordination and more. The District Waterways Management Authority would be an important advisory resource to the city, ensuring that this precious resource is well-managed and well-planned. For the sake of the record created by this hearing today, I will say what we all know to be true: the safety of city residents who use our rivers and the economic vitality of many of our neighborhoods are at stake. A waterways management authority has the power to create safer use zones, think about ways to mitigate catastrophic or fatal boating accidents, coordinate with DC's massive Clean Rivers Project to ensure development does not compromise the expensive and arduous work of the city to clean the Potomac and Anacostia waterways, ensure robust and thoughtful commercial planning, and can help ensure meaningful public accessibility

for DC's residents who use the rivers. With a proper waterways management entity, we can make the best, safest, and most sustainable use of our most important natural resource: our waterways.

I thank you again for your time, and the liveaboard community and Gangplank Slipholders Association thanks you for your consideration. We urge you to pass this bill and create a lasting legacy that preserves and maximizes the vitality of our surrounding rivers.

D.C. Council Committee on Housing and Executive Administration Oversight Hearing
Testimony of Celine Wolff, Southwest DC Resident in support of the District Waterways
Management Authority Establishment Act of 2022

My name is Celine Wolff, and I thank the committee for the opportunity to submit testimony as a Southwest Neighborhood resident on the importance of the District Waterways Management Authority Establishment Act of 2022. I come to this conversation with a perspective different from those who might be developers or have commercial interests in the use and management of DC's rivers. However, hearing from citizens who use our rivers recreationally and who bear the neighborhood impacts of waterways development is of particular value for the committee's consideration.

I have lived in Southwest DC for almost 3 years. I visit the Potomac and waterways constantly. The river is an important asset for all of the city - and not just those who use it commercially. Equity of access to the river as the city explores more development along the waterways is something that needs to have careful thought and consideration given to it in a way that the current process clearly does not fully capture. For example, at the Wharf, which is near my home, there is little to no public parking for day use of the river, no meaningful public access to the water for people to bring their own kayaks or paddle boards without having to hand-carry them an untenable distance or pay for expensive rentals. The ability to access leisure activities along the Potomac and Anacostia rivers should not be based on wealth.

I also must stress the importance of an entity that considers the use of the river to study the safety impacts of proposed developments or commercial projects along our waterways. As a recreational kayaker, I think about the choke points created in the Washington Channel where there are high traffic areas, large water taxis navigating near experienced and inexperienced kayakers and paddle boarders, day-boat users, cruise ships - all in a highly-concentrated area. As one of thousands of recreational visitors to the Washington Channel, I know I am not alone in feeling safer knowing that there is an authority in the city that considers placement of commercial hubs, such as fuel docks, taxi zones, and more in such a way that helps create appropriate traffic flow in narrow waters. We should all feel safe using our rivers and the City has a duty to do whatever it can to help mitigate the risk of drownings or accidents. The first step in doing so is by creating an advisory body that is tasked with considering the safety and use of all the traffic along DC's waterways.

Further, I would like to see this entity tasked with considering the development of not just commercial spaces, but assessing the impact to existing green space alongside our rivers. Creating a cohesive plan for pedestrian egress to the river, with boardwalks and trails that connect different development areas is of particular importance to me. Thousands of people derive physical and mental health benefits from being able to access our shorelines, and preserving a plan in which city residents can enjoy the water from the shoreline is among the priorities that a waterways management authority must be tasked to consider.

Good waterways access and thoughtful landside development impacts not only the surrounding neighborhood, but the entire city - and in the case of the Wharf, we can already see how parking and traffic flow adjacent to the waterway have impacted those of us who live nearby. Careful planning and coordination amongst city entities could have done more to mitigate this, which is why the establishment of this authority is so important.

Waterway development does not just impact those who use the water on a daily basis - we must think about how to increase community participation in the management of DC's waterways, and one way to do so is by tasking an entity to get the kind of feedback on planning that has often skipped considering the voices of average citizens. The voices in the room evaluating how waterways egress, access, and use should not just be those with commercial interests - but also those like myself who want to ensure the river remains a shared resource with plenty of public green space, access, parking, appropriate land-side and waterways traffic flow, and thought to the environmental impacts of development that ensure we preserve the rivers. I'd like to see an entity that considers clean waterways blueprints in its overall project evaluation to make sure that the work that I do on the House Appropriations Committee to facilitate federal funding for riverways projects and Clean River programs is taken fully into consideration when planning more development alongside the Potomac and Anacostia rivers.

Good waterways development impacts neighboring community vitality. Landside development and the business that waterways use brings to the surrounding areas has an outsized impact - yet another reason that a thoughtful approach to the management of one of the city's most important resources is worth the creation of an authority to oversee a cohesive plan for the city - whether it be for the Wharf, Navy Yard, Buzzard Point, or any other future areas of development and increased use. The economic benefits that landside developments bring to neighborhoods and the city should justify any expense to establish a waterways management authority. Good urban planning does not stop at the waterline. While riverside development typically prioritizes commercial interests, we also must think about the work of

nonprofits and community-based groups such as sailing clubs or river restoration entities so that they are not priced out of continued use of our waterways.

We know how much is at stake economically, culturally, and in terms of public safety. It's just good common-sense to have an entity tasked with considering these things specifically with such a vital resource that makes the city unique. The city's patchwork evaluation of waterways use and development through various zoning and permitting entities is not sufficient to carry the workload for proper waterways management and planning. It's clear to me that more needs to be done to ensure the rivers contribute to the vibrancy of our city and our neighborhoods, rather than haphazard planning that creates hindrances, safety hazards, or limits who has meaningful access to the waterways. For that reason, I support Councilmember Charles Allen's District Waterways Management Authority Establishment Act of 2022.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment



Public Hearing on
Bill 23-166, the Potomac River Bridges Towing Compact Amendment Act of 2019
and Bill 23-396, the District Waterway Management Act of 2019

Testimony of
Tommy Wells
Director, Department of Energy and Environment

Before the
Committee of the Whole
Phil Mendelson, Chair
Council of the District of Columbia

January 23, 2020, 12:30 p.m.
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Introduction

Good afternoon, Chairperson Mendelson, Members, and staff of the Committee of the Whole. I am Tommy Wells, Director of the Department of Energy and Environment. Thank you for the opportunity to present testimony before you today. As DDOT has already presented testimony on Bill 23-166, the “Potomac River Bridges Towing Compact Amendment Act of 2019,” my testimony today will be limited to Bill 23-396, the “District Waterway Management Act of 2019.”

This bill would direct the Mayor to establish a District Waterways Management Authority to plan, manage, coordinate, promote, and advocate for the diverse uses of and access to the waterways and adjacent property. It would also establish a District Waterways Management Commission to make recommendations regarding a District Waterways Management Plan, which would outline a strategic vision for the District waterways and adjacent property. The Commission would comprise 6 voting members appointed by the Mayor; 7 voting members appointed by the Council, and non-voting members from various District and federal agencies.

DOEE supports the intent of Bill 23-396 to establish an office that has the responsibility of managing and promoting the use of the waterways of the District in a coordinated way. However, DOEE recommends key amendments necessary to ensure the office’s mandate does not interfere with the jurisdiction of the federal government, to ensure that the office can achieve its intended purpose, and to ensure that the Commission operates effectively.

First, DOEE recommends clarifying that the District Waterways Management Authority should be established as an office within an executive agency. The bill is unclear as to this point, but DOEE believes housing the Authority or office within an established District agency capable of coordinating the diverse interests at stake in managing the use of waterways is the approach most likely to achieve the bill’s objective in a timely and effective manner. A new District agency or independent authority would take much longer to establish and integrate into work already being done in and around the waterways by DOEE and various other agencies.

Second, DOEE recommends that the bill be amended to restrict the purview of the Authority or office to the management of the use of waterways and adjacent District-owned property, rather than all adjacent property. Much of the land adjacent to waterways in the District is federally-owned park land, and the District cannot exercise control over it. What is not federally-owned or owned by the District is privately owned, and, for the most part, already built out. Development and use of privately-owned land in the District is already governed by various District agencies and the Zoning Commission. Any future District Waterways Management Action Plan should be considered by these agencies in making their decisions; but establishing another agency with the ability to further regulate use of private land is unnecessary.

Third, DOEE recommends that the bill authorize a dedicated revenue source for the Authority or office, or direct that the Commission consider and recommend a dedicated revenue source in its report. This will allow the Authority or office to fund District projects and programs aimed at fulfilling its mandate of managing and promoting the use of District waterways. Finally, DOEE



recommends that the Council clarify that the Commission is an advisory body tasked with advising and making recommendations to the Authority or office on creation of the District Waterways Management Plan that guides and promotes waterway use, rather than responsible for producing the plan itself. A document that makes determinations for the management and use of District land and resources is more appropriately the function of an Executive agency than the type of Commission outlined in the bill as drafted.

DOEE has significant involvement in promoting the use of District waterways, managing projects and programs affecting the District's waterways, and in regulating uses of property that affect the health of District waterways, water-dependent habitats, or the District's resilience to flooding. As background for our conversation today, I'd like to update the Committee on DOEE's current work related to District waterways.

DOEE promotes waterway activity in many ways—we facilitate boat tours of the Anacostia River, build docks for public use, sponsor a fishing team, and issue fishing licenses. We also run the Aquatic Resources Education Center in Anacostia Park, and are working to further activate Kingman and Heritage Islands for public and educational uses consistent with conservation priorities, including constructing a Kingman Island Education Center and a paddling center. We restore mussels and fish stocks through hatchery programs, restore tributaries and streams, monitor stormwater outfalls, and restore wetlands and submerged aquatic vegetation with the goal of improving water quality and habitat.

Additionally, DOEE implements federal Clean Water Act programs to achieve water quality standards required under various federal permits and Chesapeake Bay programs, and is leading the Anacostia River Sediment Remediation Project, the plan to clean up toxic sediments at the bottom of the Anacostia River. With regard to that project, DOEE has just achieved a key milestone—the issuance of a Proposed Plan for public comment. After comments on the Proposed Plan are received and incorporated, we will be able to issue an Interim Record of Decision for the project, which will establish how the remediation will move forward. This means remediation work may begin within a year or so. Getting to this point has taken five years and required countless meetings with varied groups of stakeholders, including District and federal agencies.

Finally, DOEE regulates property uses across the District in its work to increase resilience to flooding, to improve water quality and prevent pollution, and to improve fish and wildlife habitat. Related to this work, DOEE creates, updates, and implements several plans and assessments regarding our waterways, including:

- Climate Ready DC;
- Sustainable DC 2.0;
- The DC Wetland Conservation Plan;
- The DC Wildlife Action Plan;
- Future-Condition Flood Modeling and Mapping;
- The Buzzard Point Living Shoreline Study; and
- The River Use Survey.



We have also recently updated our wetlands maps and drafted design specifications and an evaluation of opportunities for Living Shorelines. And we are working on the Anacostia Natural Resource Damage Assessment (NRDA) and Injury Assessment and an Anacostia Corridor Comprehensive Restoration Plan, as well as integrated flood model that will help the District better prepare for the increased flood risks that come with a changing climate. DOEE recommends that the Council ensure that any Waterways Management Plan required by B23-396 be consistent with all of this work.

DOEE looks forward to working with the Committee as it moves forward with this important legislation. Thank you for the opportunity to testify today. I look forward to answering any questions you may have.





ANACOSTIA WATERSHED SOCIETY

January 22, 2020

James R. Foster
President

BOARD OF DIRECTORS

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Honorary Member*
Robert E. Boone

Committee of the Whole
Council of the District of Columbia,
Suite 410
John A. Wilson Building,
1350 Pennsylvania Avenue, N.W.,
Washington, D.C. 20004

Re: District Waterways Management Act Bill 23-0396

Dear Councilmembers:

The Anacostia Watershed Society has been working for over 30 years to restore the Anacostia River to Fishable and Swimmable. We are on the cusp of being Swimmable most of the time. We are working with all stakeholders to get to Fishable as soon as possible. Thank you for all your interest, support, and leadership that has made this dream a reality.

I am writing in full support of Bill 23-396. As the waterways have improved people are returning to take part in the riverside activities that include swimming, fishing, boating, hiking, biking and enjoying the outdoor spaces along the rivers and streams. This law will help formalize the equitable access to this amazing resource and ensure that resources are protected.

I suggest consideration be given to the following comments that may not be part of this legislation but would go hand in hand with it.

- 1) The Mayor and Council should ask Congress to transfer ownership of the riverbeds to the District. In my humble opinion, the rivers should rightfully belong to the State not the federal government as all other rivers in the country belong to the states.
- 2) No authority is given to the Commission to establish rules. This Commission then becomes a "paper tiger" with respect to having all the perceived responsibility but none of the authority to represent the interest of the waterways. As a Commission, I would recommend that some authority to approve or disapprove projects, provide overall

inspection and compliance, and access to legal support be vested in the Commission.

- 3) The Commission could have responsibility for a "Healthy" Anacostia River, balancing waterway uses such as river flow, water taxis, commercial marinas, Yacht Clubs, NPDES discharges, and shoreline Critical Areas management. The District Department of Energy and Environment has not issued final regulations for the Wildlife Omnibus Act of 2014 that establishes Critical Area with 200 feet of the tidal river's edge and wildlife conservation areas at Kingman Island. This Commission seems to be a great agency to administer those regulations.

AWS is in awe of the leadership shown by the DC Council, Executive Office, and the many agencies that work tirelessly to make our river and communities a better place!! Thank you for the opportunity to provide comments to an already strong draft of the District Waterway Management Act.

For the River,

A handwritten signature in dark ink, appearing to read "James R. Foster". The signature is fluid and cursive, with the first name "James" being the most prominent.

James R. Foster
President

**Testimony from Jayme Johnson
320 10th Street SE, Washington, DC 20003**

**District Waterways Management Act Hearing
Thursday January 23rd 2020**

I am regrettably unable to attend the hearing in person today. I have been a proud DC resident of Eastern Market since 2015. I emigrated to America with my American wife after meeting her in a bar across the road from the Council building in 2011, while conducting research on behalf of the British Government.

I was then an Inspector in London's Metropolitan Police. While a police officer, my most interesting posting was leading the Police Gold Desk in the National Olympic Coordination Center in 2012, where we managed the strategic coordination of safety and security risks and resources across the UK. In that role, I learnt a very simple lesson: if you want to achieve the very best for the public – for safety, security and prosperity – the more you plan, build relationships across agencies, and explore every option and opportunity available to you early on, the less goes wrong and the better the outcomes.

I can think of no better application of this lesson than the waterfronts and waterways of Washington, DC. But we must act now to truly benefit.

There are huge opportunities along our relatively unexploited waterways and waterfronts – community prosperity, economic benefit, and cultural growth. But there are inherent risks too – terrorism, community safety, environmental disruption, and conflict between groups as more people reside, do business, and spend time in these locations.

Unless we act now, we will miss opportunities and fall foul of known risks. We don't have the luxury of an event or deadline like the Olympics, but we are at a critical moment now:

- Growth along waterfronts has accelerated in recent years at Navy Yard and The Wharf, with more to come
- Growth on waterways is accelerating with kayaks, water taxis and ferries, with more to come
- Growth is ongoing BUT growth is not yet overwhelming. We still have time to think carefully and act responsibly as community leaders.

If we don't act to put the strategic vision, guidance, actions and coordination in place now, quite simply, we will knowingly miss opportunities for this generation and generations to come.

I helped research and prepare this Act with Councilmember Allen's team. When we spoke to police officers, fire fighters, city and federal agencies, and others, it was clear that we residents are lucky – they are all doing fantastic jobs with the resources they have.

But it was evident that there was no coordinated process or body to think strategically about or plan around the rapidly changing landscape, demand and risks for 2025, 2030 and beyond. That's the gap we are perfectly placed to act now to fill, and this is why we need to pass the District Waterways Management Act.

Testimony of Andy Litsky on behalf of ANC-6D
Before the Council of the District of Columbia
On the District Waterways Management Act of 2017
May 16, 2018

Good morning. My name is Andy Litsky. I am Vice Chairman of ANC-6D, representing the residents of Southwest, Navy Yard and Buzzard Point. Our ANC covers more waterfront area than any in the District of Columbia. And I am here to express my Commission's unanimous support for B22-0522, the District Waterways Management Act of 2017.

As we will likely hear many times this morning, Washington is a city on two rivers. Well, the residents of ANC-6D don't need to wait for a hearing, ribbon cutting, or a clean-up to be reminded of that fact. For whether we live in the gleaming new high rises at The Wharf, or in Capitol Riverfront or at Ft. McNair, or along the Southwest residential waterfront or as one of the 94 intrepid liveaboards at the Gangplank Marina – the largest of its kind on the east coast – we live that reality 24/7/365.

Our city spends an inordinate amount of focus on landside development. Much less time and energy is devoted to how we maximize and manage our water resources themselves. Ever since the Anacostia Waterfront Corporation was dismantled fifteen years ago, waterways planning and management in the District of Columbia has been adrift. Plan B -- whatever it was --- hasn't worked as well as it should. Frankly, although DMPED had always been envisioned to take the lead on this, no one's really in charge. Waterfront planning and policies should not be determined by individual developers -- even those as who produce such magnificent accomplishments as The Wharf, which I am proud to say is part of my single member district that I've represented for 18 years. Waterways management is a municipal function.

Our District waterways are now being used more than ever before for commerce, recreation and increasingly --- now realistically --- incorporated into our regional transportation planning efforts as our small part of the city undergoes explosive development. Please keep in mind that Capitol Riverfront is only half built. The Wharf has only completed Phase One. And in the next decade or so we also anticipate an additional 6,000 units of housing on Buzzard Point -- equal again to the number of units we had in all of Southwest just a short time ago. All of this will add another 40% to the number of residents currently living along our waterfronts, just on this side of the Anacostia -- let alone those who are drawn

to our neighborhood because of The Wharf, Nats Park, Haines Point and soon to DC United to use our waterways.

We need a comprehensive plan for recreation and commercial activities on our District waterways. On behalf of our ANC – which has more shoreline than any ward in this city other than my own -- I strongly urge you to support this bill. Thank you for the opportunity to testify this morning.

Water Commission Bill Hearing
Gang Plank Slipholders Association (GPSA) Testimony
May 16, 2018

Dear Councilmembers,

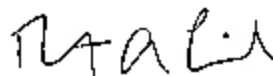
Thank you for the opportunity to speak with you today. My name is Bob Link and I am President of Gang Plank Slipholders Association (GPSA). With 97 slip holders, GPSA is one of the largest liveaboard communities in the United States. Additionally, we are constituents of DC's Ward 6 represented by Councilmember Charles Allen.

GPSA represents the interests of the liveaboard residents of Gangplank Marina by working for a safe, clean, attractive, and environmentally healthy marina, waterfront, and river system. We strongly concur with the passage of B22-0522 – the District Waterways Management Act. Waterfront development must take into account the needs of commercial and recreational users of our waterways, and there is currently no structure for this to occur.

We are heartened by the efforts of your colleagues in drafting this bill and we urge each of you to provide your unconditional support of this bill to ensure the creation of a comprehensive waterways management plan that protects and serves the needs of the District's residents, businesses, and many visitors. World class waterfront development cannot ignore water users.

Many of our liveaboards are active boaters and, as we experience an increase in the number of people living, working and playing on and along our waterways, we have grown increasingly concerned. The Wharf created new public access to the Washington Channel, including kayak rentals and increased commercial activities with new docks and water taxi services. While we applaud the increased public access to the Washington Channel, this significant increase in activity in a narrowed Washington Channel poses a risk to everyone on the water. Without B22-0522, the District has no ability to create and enforce a comprehensive plan for recreational and commercial activities on the Washington Channel and the District's other waterfront properties, ensuring the both the safety of those on the water and a variety of uses important to DC residents.

We ask that you vote in favor comprehensive and sustainable waterway usage and pass B22-0522. Thank you for your attention to this important matter.

Signed: 

Bob Link
President, Gang Plank Slipholders Association

Dear Councilmembers,

Councilmembers Allen, Gray, McDuffie, Bonds, Evans, Grosso, and R. White introduced B22-0522 - District Waterways Management Act of 2017 at the Committee of the Whole on Oct 17, 2017. B22-0522 is scheduled for a hearing on May 16, 2018. We urge to provide your unconditional support of this bill to ensure the creation of a comprehensive waterways management plan that protects and serves the needs of the District's residents, businesses, and many visitors.

Southwest residents believe B22-0522 is vital to the future of our neighborhood, our Ward, and the District as a whole. Numerous development projects are taking place on D.C.'s waterfront properties along the Anacostia watershed (including the Washington Channel). Several prominent projects include the following:

- The Wharf
- D.C. United's Stadium
- Buzzard Point
- Poplar Point
- Capitol Riverfront
- 11th Street Bridge Park
- Reservation 13 (aka Hill East District Waterfront)
- Kingman Island

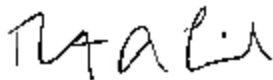
While the District has attempted over many years to create a vision for landside waterfront development, little or no consideration has been given to how this affects use of the waterways. Hundreds of thousands of people use the Potomac River, the Washington Channel and the Anacostia River every year. Their needs have never been comprehensively cataloged nor are their opinions routinely sought when decisions about land use are made. When decisions about waterside development relegate the waterway uses to a secondary or tertiary position, decisions are made by default. This affects boaters, paddlers, and fisherfolk alike. Waterfront development must take into account the needs of commercial and recreational users of the waterways, and there is currently no structure for this consultation to occur. In addition, there does not appear to be any special attention paid in development plans to the realities of water-dependent commerce and recreation. Our rivers are not just attractive backdrops for development. Managing access and traffic cannot be left to the whims of developers. World class waterfront development can't ignore water users.

Accelerated passage of B22-0522 is critical to ensure current and future waterside developments are part of a comprehensive plan that protects and serves the needs of the District's residents, businesses, and many visitors. The Wharf provides a perfect example of this urgency. The Washington Channel is about to experience its first boating season since The Wharf opened last October. Historically, commercial and recreational water uses have been extremely varied on the Washington Channel (cruising vessels, small water taxis, rowing, kayaking, canoeing, stand-up paddle boarding, dragon boats, sailing, power boating, water skiing, wakeboarding, tubing, swimming, and fishing). Those varied uses sometimes conflicted,

and have increased in complexity with construction of The Wharf. DC Sail is no longer able to conduct operations in the Washington channel after construction of Z-dock and moved out of Southwest. The Wharf created new public access to the Washington Channel, including SUP and kayak rentals, and increased commercial activities with new docks and water taxi services. While we applaud the increased public access to the Washington Channel, this uptick in activity in a narrowed Washington Channel poses a serious risk to everyone on the water. Without B22-0522, the District has no ability to create and enforce a comprehensive plan for recreational and commercial activities on the Washington Channel and the District's other waterfront properties, ensuring the both the safety of those on the water and a variety of uses important to DC residents.

We ask that you expedite action on B22-0522 and provide your full support at the May 18 hearing. Thank you in advance for your attention to this important matter.

Signed:



President - Gangplank Slipholders Association



Statement of support for the
B22-0522, The District Waterways Management Act of 2017

Doug Siglin, Executive Director
Before the Committee on Government Operations
May 16, 2018

Chairman Todd, committee members and staff, my name is Doug Siglin. I am the director of the Anacostia Waterfront Trust, a nonprofit organization that was spun off from the Federal City Council in 2015. Our organization's mission is to help to create a vibrant and inclusive public waterfront and adjacent communities, on a healthy Anacostia River, for all citizens to enjoy.

I come before you today to offer my support of the District Waterways Management Act of 2017. It goes without saying that this city would not be here today were it not for the Potomac and the Anacostia. In 1790, Congress specifically directed President Washington to locate the federal capital city upstream of the Anacostia on the Potomac River. In 1791, he and Secretary of State Jefferson asked Congress to amend the law to allow the Anacostia to run directly through, not adjacent to, the city. Some might say that we've been waiting 228 years for this legislation.

As you can see from our mission statement, our approach to the Anacostia waterfront is comprehensive, incorporating the quality of the river itself, the adjacent District and federal public lands, and the nearby communities.

Of all the parts of this proposed act, the piece that interests me the most is the District Waterways Management Action Plan. I know it is generally poor form to quote yourself, but in my statement at the Committee of the Whole's roundtable on economic development in the Anacostia area two and a half years ago, I wrote "I would respectfully submit that the right question for the Council and the Administration to be asking, repeatedly, should be 'How can we best achieve not only economic development in the Anacostia corridor, but a full range of our strategic objectives?'"

I went on to suggest that we needed a new comprehensive planning process for the waterfront, perhaps following the example of the extraordinary Anacostia Waterfront Framework Plan of 2004, that has resulted in so much progress on the Capitol Riverfront, Waterfront, and now Buzzards Point. Unfortunately, the administration has shown no interest in doing that.

My suggestion is more important now than it was then. In the meantime, much has happened. The Capitol Riverfront neighborhood has become the most dynamic place in the District. The Wharf is open and booming. Buzzard Point is taking off. The first phase of DC Water's Anacostia Tunnel is operating and keeping far more bacteria out of the river on rainy days like today. The

Department of Energy and Environment's Anacostia River sediment cleanup project is moving forward. So is – albeit slowly – the remediation plan for Kenilworth Park, much of which is supposed to be turned over the District soon. The Mayor has committed nearly \$5 million to a Kingman Island education campus. Events DC says that it is finally going to do something with the RFK parking lots, and Republicans in the House are talking about turning that whole area over to the District. The new Frederick Douglass Bridge is about to get underway. It's a little hard to tell, but maybe something is happening at Poplar Point, 12 years after Congress directed that it be turned over to the District. The National Park Service, which manages most of the Anacostia riverbank, says it wants to create a "signature urban park" out of its 1200 acres.

On the negative side, the river has continued to silt in to the point that the historic Seafarers Yacht Club Captains can't even move their boats at low tide, and the Army Corps of Engineers apparently is reluctant to keep dredging the channel since the Barry is now gone and the new Douglass bridge will not allow any large vessels to come up the Anacostia.

And then there's the possibility that Amazon may choose Hill East or Capitol Riverfront for its new second headquarters.

There is an enormous amount happening on and around our waterways, but no apparent coordination of any of it.

I don't know precisely how the District Waterways Management Office and the District Waterways Management Commission foreseen under this bill would define the scope of their Action Plan. I am encouraged by the bill's language requiring the plan to have a broad scope, taking into consideration the orderly, safe and efficient use of the waterways, the public and private use of the adjacent lands, environmental conservation, transportation gaps, and coordinated economic growth.

I believe that Mayor Fenty and the DC Council made a significant and costly mistake ten years ago when they abolished the Anacostia Waterfront Corporation, which had barely gotten off the ground and which was tasked with doing many of the same things foreseen in this bill. If that action had not happened, we would have been much further ahead in the rational use of our extraordinary waterway assets than we are now.

So, in summary, I urge the Council to act to pass this legislation, and the Administration to get on with implementing the District Waterways Management Office, the District Waterways Management Commission, and the District Waterways Management Action Plan, before much more time passes.

Thank you. I'm happy to answer any questions that you might have.

Testimony of the Georgetown Business Improvement District

Committee on Government Operations
Councilmember Brandon Todd, Chair

B22-0522, District Waterways Management Act of 2017

May 16th, 2018

Good morning Councilmember Todd, members of the Committee, and Staff. My name is Will Handsfield. I am the Transportation Director at the Georgetown Business Improvement District testifying on behalf of our organization.

The Georgetown BID is very pleased to see the Council take interest in addressing long-standing opportunities to improve the planning and management of our Potomac and Anacostia River waterfronts. To that end we have some suggestions on how this bill might be modified to address specific issues we have at the Georgetown Waterfront that might also be present at other locations.

Georgetown is the center of rowing activity along the Potomac, but our facilities have not kept up with this growing demand. Serious efforts towards building new boathouses go back at least to the mid-1980s without success. In 2016, the National Park Service released an environmental assessment of the non-motorized boating zone in Georgetown. The EA approved the ability to plan new boathouses along the Georgetown waterfront with no significant impact to NPS resources. Unfortunately, plans to actually build new boathouses have not progressed. Without entities that are tasked with planning and constructing new and renovated facilities, and resources to bring to the table, we do not foresee much progress in this area.

Within the boathouse corridor is Washington Harbour, the mixed-use waterfront development built in the 1980s. In busy summer months, gatherings of pleasure-craft dock side-by-side up to ten deep on the recreational portion of the dock, often holding unregulated parties that can get very unruly. Adjacent to this, the commercial tourism portion of the dock is used by water taxis, sightseeing tours, and alcohol-oriented cruises. Unfortunately, there is little formal management of this area due, in part, to the fact that the NPS has an easement over this privately-owned dockside. This prevents the property owner or the city from employing a dock master to bring order to the area. We hope that one outcome of this legislation will be that a DC government agency will lead an effort to solve these issues, prioritize public uses, and ensure that resources are available to improve the overall management of the river and dock.

For both the recreational and commercial boating interests, we see a much brighter future under enhanced forms of waterways management which don't exist today.

Within the bill, there are some very strong management and governance principles, but in the interest of constructive improvement, we believe that a 24-member commission with 11 voting members would inevitably be unwieldy, and instead suggest a smaller (5-7-member) commission with a larger advisory board comprising District agency representatives, interested stakeholders, and other subject matter experts. We hope that the commissioner selection and confirmation process can deliver sufficient

diversity and technical expertise as to make some of the bill's proscriptive language on the subject unnecessary.

We agree that the commission needs staff to effectively complete its work, but we are confident that the resources necessary to complete the waterways management plan go well beyond a single staff member, and would likely require several people, as well as consultants, to make an impact. The Anacostia Waterfront Initiative from 2000 may be a good analogy for overall staffing resources and government support for a project of this scope and magnitude.

We also believe that the District's waterways should be divided into smaller planning management zones, that all have unique conditions and needs, which together can comprise the larger District Waterways Action Plan. Developing a plan for any of these planning management zones should be done with community input, possibly in a series of facilitated discussions to elicit the best approach for any of the planning management zones, and to mediate the inevitable conflicts between users.

Finally, we believe that a plan with this scope should go as far as possible to make this the definitive document for managing the District's waterways. In addition to creating the action plan stipulated by the bill, we believe the Waterways Commission should submit the finished plan to the DC Council for formal adoption, and that the commission should, in conjunction with the Office of Planning, submit any land use and management changes from the action plan as amendments to the District's comprehensive plan.

Thank you for this opportunity to testify and I am happy to answer any questions you might have.

**TESTIMONY BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
TO ESTABLISH THE DISTRICT WATERWAYS MANAGEMENT OFFICE AND THE
DISTRICT WATERWAYS MANAGEMENT COMMISSION**

MAY 16, 2018

BY PEGGY TADEJ

**DIRECTOR OF MILITARY PARTNERSHIPS
NORTHERN VIRGINIA REGIONAL COMMISSION**

Thank you to the Council for providing the legislation. I'm here to request that you take a more comprehensive and regional approach to establish a port authority and provide funding to operate and run a ferry system. I have provided project management for the last two studies for the M-495 Marine Highway that was designated in 2013 for the Potomac, Anacostia, and Occoquan Rivers. The Market Analysis findings from the survey of the public revealed that they wanted:

- 1) An integrated multimodal system that had connectivity to the other modes.
- 2) That the ferry system **NOT** compete with Metro funding. The funding received to date has been earmarked for Maritime activities.
- 3) The question addressed was would we take riders off the current METRO and VRE systems in place? The answer was no. Those that are already taking alternative modes were not interested in the commuter fast ferry. Those that still had not found an alternative to driving on I-95 expressed an interest to trying an alternative mode.

A group of Ferry Stakeholders have been meeting over the last eight years that include: Federal and Military Agencies; three State Department of Transportation Agencies, including DDOT; Regional Organizations; Local and private entities. (See attached list of types of participating agencies).

I was hired as the Regional Base Realignment and Closure (BRAC) Coordinator at Northern Virginia Regional Commission. The reasoning for my position - the region was considered a

BRAC growth community due to the relocations behind the fence and Northern Virginia had an additional 22,000 personnel moving into the region. About one-fourth of the personnel moving from locations in the Maryland and the District of Columbia – across river. I have concentrated on the finding solutions to reduce the number of single occupancy vehicles (SOVs) going in and out of the bases. However, the only way to change behavior is to find solutions that provide real-time savings. Based on the modeling findings from the last study, the M495 Corridor would provide a time savings of 30 minutes with the current roadway conditions. Of the 200,000 cars driving along I-95 everyday about ¼ of those are Military, DOD Civilians, or DOD contractors. The Potomac, Anacostia, and Occoquan Rivers front six military installations, including: The Pentagon, Fort McNair, Navy Yard, Joint Base Anacostia/Bolling and soon the Department of Homeland Security, Fort Belvoir, and Quantico. JBAB has offered their North pier that is no longer being used by the military as part of a public private partnership. Between the new Department of Homeland Security (18,000 jobs) site and Joint Base Anacostia/Bolling (13,811 jobs) the M495 Marine Highway would accommodate a 10 percent decrease in congestion on I -295/I-395/I-495/I95.

The vision established from the M495 Stakeholders Group was for an affordable, financially sustainable, and connected Ferry Service to offer an alternative to increasingly gridlocked road system. A ferry system would address the emergency preparedness capabilities on the river system in the case of “Miracle on the Hudson” and as an evacuation route in the case of gridlock like 9/11.

Many ferry systems were reviewed in other major metropolitan areas such as: Seattle, Boston, the Bay Area, and New York. See attached overviews from presentation given below and review information on the Website: <http://potomaccommuterfastferry.com> for more detailed descriptions of what other major metropolitan areas have done. The Public-Private Partnership model has seemed to work best in which the public own the landside infrastructure and the private sector provides the service.

The Potomac Riverboat Company has been operating water taxis on the Potomac River since the early 1970's and has been expanding services with the recent acquisition of four (4) high speed-149 passenger vessels to carry passengers from several docking hubs to provide consistent and reliable water transportation between Maryland, District of Columbia and Virginia. The new water taxis will increase current ridership above 250,000 passengers annually. This would result in a 10 percent decrease in congestion which would allow for free flow on the I-95 corridor.

Many achievements have been accomplished over this time, including:

- ☐ **2009 - Potomac River Commuter Ferry Service Study & Route Proving Exercise** (Prince William Department of Transportation)
- ☐ **2010 - Commuter Ferry Stakeholder Group Formed** (Northern Virginia Regional Commission)
- ☐ **2013 - Occoquan, Potomac & Anacostia Rivers Designated "M-495 Marine Highway"** (US Department of Transportation Secretary Foxx)
- ☐ **2014 - \$3.38M Capital Grant Awarded To Virginia Department of Transportation** (US Federal Maritime Administration)
- ☐ **2015 - Marine Highway Leadership Award Given To Northern Virginia Regional Commission** (US Department of Transportation Secretary Foxx) NVRC Market Analysis Report
- ☐ **2016- \$173K Grant Awarded To Northern Virginia Regional Commission To Determine Shoreside Infrastructure Needs** (US Maritime Administration)
- ☐ **2018 - Completion of the Fourth Study and application for a fifth study from US Maritime Administration.**

In summary, the legislation as proposed fits nicely with what has been established as the M495 – Marine Highway for the Potomac, Anacostia, and Occoquan Rivers. Our recommendations include:

- 1) Incorporate the M495 – Marine Highway Strategy
- 2) The District Waterways Management Commission should consider expanding to include a transportation expertise in water navigation
- 3) To accomplish a true public-private-partnership the DC Council should consider adding the private sector participation along with local and federal
- 4) The legislation could go further to establish a Port Authority that includes Maryland and Virginia and takes a more comprehensive, balanced, and regional approach
- 5) Join us on June 4th for our final outreach event at the Wharf regarding the fourth study results

I will be followed by our consultant from Nelson Nygaard, Tim Payne who has had real life experience running a ferry system and who will provide more in-depth details on how to achieve a comprehensive and regional approach.

Thank you again for your time and collaboration on this issue.

Stakeholder Participants by Organization



- **Federal Agencies & Regional**
 - US Maritime Administration
 - Federal Transit Administration
 - Federal Highway Administration
 - Naval District Washington
 - Joint Base Anacostia/Bolling
 - Department of Homeland Security
 - National Park Service, US Dept. of Interior
 - Army Corps of Engineers
 - Fish & Wildlife Services
 - Metropolitan Washington Airport Authority
 - Passenger Vessel Association
 - National Capital Planning Commission
 - Metropolitan Washington Council of Governments (DC, MD, & VA)
 - Northern Virginia Regional Commission (13 Jurisdictions)
 - Potomac Rappahannock Transportation Commission
 - Greater Washington Region Clean Cities Coalition
- **State, Local, and Private**
 - DC Council and District Department of Transportation
 - Maryland Department of Transportation
 - Virginia Department of Transportation
 - Virginia Department of Rail and Public Transportation
 - Arlington County - Planning
 - Fairfax County Board of Supervisors and Planning Department
 - Prince William County
 - DC Water
 - Georgetown Business Improvement District
 - Prince Georges County, Maryland
 - Town of Indian Head, Maryland
 - Charles County, Maryland, Economic Development
 - Peterson Company
 - MGM
 - The Wharf
 - Entertainment Cruises/Potomac Riverboat Company
 - Metal Shark
 - Occoquan & Belmont Bay Marinas



Working in Other Places in US



N NELSON
NYGAARD

Puget Sound - Washington



- **King County, Washington**
 - County assumed lead role from state for passenger ferry service about six years ago – two routes, both setting new ridership records every year
 - Integrated fares with transit
 - Operated by same agency that operates transit
 - Two new vessels in past two years
- **Kitsap County, Washington**
 - Began operation of passenger ferry service on long route, similar to Woodbridge, Summer 2017
 - Lead agency is local transit agency
 - Limited vessel capacity – fully utilized on almost all trips even though fare is \$12.00 roundtrip compared to \$8.35 roundtrip for slower ferry

N NELSON
NYGAARD

Bay Area



- WETA continues to develop services in the area
- Recognized as high value economic development tool such as re-development of Treasure Island
- Heavy investments in terminals and new vessels
- Private sector operators also engaged in freelance services



N NELSON
HYLAND

New York



- 30 years ago Staten Island Ferry was singular service
- Today ferry routes and operators are almost too numerous to count, service from North Jersey Shore, Hudson River, East Channel all at multiple locations
- Several successful routes with trip lengths equal to potential Woodbridge service
- Public infrastructure investment – private operators
- City has recognized economic development opportunity along East Channel – numerous subsidized ferry operations to support new waterfront development
- On Hudson side some developers have constructed terminals to court private ferry operations
- Newest services are producing ridership not expected in first few years, and growing
- Most resilient of all NYC transportation modes
- More reliable than subway system

N NELSON
HYLAND

- Several routes already operating, public, private, and National Park Service
- MBTA taking fresh look at ferries
- Study is to assess opportunities for accelerated waterfront development



Northern Virginia Regional Commission

POTOMAC M495 MARINE HIGHWAY

SAVE THE DATE! JUNE 4th

Learn about the M495 Marine Highway ferry service from Woodbridge, Virginia to National Harbor, JBAB, and DC.

Monday, June 4, 2018

4:00 – 7:00 pm – Networking and Panel Discussion with Representatives from the District of Columbia, MARAD, NYC Economic Development Corporation, and the results of the latest study

**The Dockmaster Building, 101 District Square, S.W., Washington, DC
on District Pier at The Wharf**

For more information and RSVP: www.potomaccommuterfastferry.com or email: Peggy.Tadej@novaregion.org

May 16, 2018

Testimony Before Council of the District of Columbia, Committee on Government Operations

Given by: Timothy Payne, Principal, Nelson\Nygaard Consulting Associates, Inc. a consultant under contract to Northern Virginia Regional Commission

The past five years, the Northern Virginia Regional Commission has been studying the market feasibility and establishing an implementation plan for the return of passenger water transportation to the waterways of the Potomac, Anacostia, and Occoquan Rivers. To date, the studies and plans have demonstrated a very real potential benefit to Washington, DC and the region if passenger water transportation is re-born on these waterways. In broad terms passenger water transportation has the potential to add diversity to the region's transportation system while offering greater connectivity than current land-based modes as well as adding resiliency and an opportunity to add new resources for emergency management within the region.

The first study sponsored by NVRC began by looking at over 150 different potential ferry crossings, the analysis showed that six of those crossings, all with one end in, or adjacent to, Washington, DC have the potential to not only bring the above described benefits, but also to be commercially viable to private operators. Throughout the course of the two studies two topics continued to emerge as issues of substance. First, there is no single agency or organization with overall responsibility or authority to encourage, sponsor, regulate, or monitor water transportation in the region. Second, there are many agencies, federal, state, and local, with overlapping, sometimes conflicting, and frequently overly-conservative control and authority that are brought to bear on almost any activity that occurs on or near the region's waterfront and waterways. This mixed bag of exercised control and authority has made waterfront development and the return of water transportation to the waterways of the region far more complex and challenging than what has been commonly experienced in many waterfront communities throughout the US.

It is, therefore, encouraging to those interested in establishing water transportation to offer its benefits to the region that the District of Columbia is considering the establishment of a commission and management office with overall responsibility to develop an action plan that will bring order and even-handed control to development on the waterfront and activity that occurs on the waterways. The initial proposed make-up of the Commission seems appropriate to the initial task, but I would suggest a periodic review of that makeup be built into the legislation to ensure the Commission make-up continues to be appropriate as tasks, issues, matters of regulatory control, and incentives to create opportunities on and along the waterway continue to evolve.

The outlined action plan also seems appropriate but I would suggest a few additions to the codified recommendations including:

- (1) The orderly, safe, and efficient use of the waterways for (added) **transportation, commerce**, boating and recreation.
- (4) Environmental conservation and management of the waterways and adjacent property; (added text) **including channel control, flood protection, and resiliency.**
- (7) Identification of transportation gaps on or adjacent to the waterways (added) **with action plans and strategies to address those gaps.**

- (8) (added) ***Engagement of emergency management strategies that coordinate with those of the Department of Defense.***
- (9) (added) ***Establishment of policy and coordination on regulatory issues surrounding waterway usage to ensure all users and types of uses are engaged, interests are balanced, and ensure waterway use is safe, efficient, and orderly.***

I contend that adding transportation functionality to the waterways of the District brings multiple benefits to residents of the District including:

Job creation – Water transportation requires staffing by trained individuals. Washington, DC is the best and most logical labor source for those trained individuals. People could be trained and certified in maritime operations, certifications that are transferable to any maritime operation under US jurisdiction. In addition, as ferries grow in number, a repair and maintenance facility will be necessary to support continued reliable service. If constructed in DC, which has high potential, such a facility could provide opportunity for job training in maritime maintenance, also a certified profession, as well as provide an estimated 30 living wage jobs.

New access – Already developed docks at The District Wharf, Diamond Teague Park, The Yards, and National Harbor are backbone pieces to creating a full water transportation system along the Potomac and Anacostia that would offer residents new, easier, and faster public access to rapid growth areas, including jobs, in the greater DC area. Further there are significant benefits to establishing new water-borne linkages to Reagan National Airport from Washington, DC.

Reduction in vehicle traffic -Ferries have the potential to reduce up to 10% of the single occupant vehicles daily arriving from many points in Northern Virginia into the District.

A real example, Joint Base Anacostia Bolling (14,000 jobs) and the Department of Homeland Security HQ (18,000 jobs) are presently causing significant congestion in the Anacostia neighborhood. New ferry access to those employment sites access can mitigate that congestion.

Better emergency preparedness – A fully developed water transportation system offers options for moving people in the event of an emergency. Previous events have shown that the roadway system in DC is quickly overwhelmed, many people can still recount their stories of trying to reach home after the earthquake of 2011. In the 911 event in New York City, passenger ferries were responsible for moving more people out of lower Manhattan than any other transportation mode. Also in New York, ferries were what made the "Miracle on the Hudson" possible.

Options for Events – New event venues at The Wharf, Buzzard's Point (soccer stadium) and National's Park can all be accessed by ferry, reducing traffic and neighborhood congestion and allowing residents better access to these venues.

In conclusion, as someone who has worked extensively on behalf of NVRC, I support the creation and action plan proposed by this legislation and encourage the Council to move to adopt the legislation with my recommended additions and form the District Waterways Office and the District Waterways Commission.

Thank you for your time.

Testimony of Fredrica D. Kramer, 387 O Street, SW
Public Hearing on B22-0522, District Waterways Management Act of 2017
Committee on Government Operations
May 16, 2018

Good afternoon, Chairman Todd and Members of the Committee. I am Fredrica Kramer, Vice Chair of the Near SE/SW Committee Benefits Coordinating Council (CBCC), and here to express our strong support for B22-0522, the District Waterways Management Act of 2017, but also our suggestion that the bill might be strengthened in order to accomplish the goals we share and believe are essential.

The timing could not be more critical, as the Wharf moves into Phase 2, the new soccer stadium opens in July and massive development continues, including that of Buzzard Point which is beginning in earnest. Coherent, coordinated management of DC's waterfront, both the Anacostia watershed and Washington Channel along the Potomac and Anacostia rivers, directly affects all of the communities of Southwest and Near Southeast, which CBCC serves.

Much of the new development includes encroachment far into the waterways (e.g., new piers, docks and greatly increased water travel). But much also is occurring on land abutting the waterways. That land was largely under public ownership and oversight but now has been ceded to private developers and private use under long-term lease or other arrangements, effectively ceding management for the long term. Thus, comprehensive management authority with public oversight and enforcement capabilities are now essential.

Specifically, the management of the waterways is a concern for both the immediate users of the waterways—live-a-boards, small recreational boaters, fishermen (and women), and larger commercial enterprises (including most recently larger cruise ship docking), as well as those immediately adjacent and beyond—including neighborhood residents and public safety officials for whom unimpeded access and safe usage is of primary concern. We saw the importance of the latter in 911 when immediate command of the waterways was required to address the emergency.

As the Southwest Neighborhood Assembly aptly noted, the needs of *all* parties have never been fully catalogued or heard in order to reflect the complex web of uses and users when decisions about use of the waterways have been made or have simply been adopted by default. More salient, there is no single body responsible to hear those voices and negotiate for reasonable policies reflective of a diverse set of interests. The proposed new Waterways Authority creates the ability to develop a comprehensive plan for the both recreational and commercial uses of the waterways and the ability to monitor the effect of that use on the surrounding environs.

We are deeply appreciative of the new life given to the DC waterways as a byproduct of recent development. But that new life comes with challenges. The legislation, we think, might be strengthened. For example, the bill requires only one full-time staff, the District

**16 May 2018 Hearing Testimony by Entertainment Cruises Regarding a Proposed Bill on
District Waterways Management Commission**

Good afternoon and thank you for the opportunity to speak on this very important topic. I am Captain John Lake, General Manager of Potomac Riverboat Company, overseeing the operations of our 12-water taxi, tour and private charter vessels.

I have been with Potomac Riverboat Company for twenty years, having held numerous positions, including Senior Captain and Director of Marine Operations, and now as General Manager. In my capacity as Director of Marine Operations I served as Captain on all 12 of the vessels and was responsible for developing safe operating procedures as well as the training of our Captains and crew, as General Manager I am responsible for the entire operation.

I am an active member of the Passenger Vessel Association, currently serving as Regional Co-chair and a member of the Safety and Security Committee. As a captain I have been involved in commercial assistance towing and salvage, assisting local police and fire departments in search and rescue emergency operations, participated in numerous local U.S.C.G. rescue drills as part of the Potomac River Rescue Association, and taught Virginia Basic Boating Safety classes.

I hold a U.S.C.G. Master 100-ton Inland License with a Commercial Assistance Towing Endorsement, a First Responder Hazmat Certification, Virginia Department of Game and Inland Fisheries certification to teach Virginia Basic Boating Safety, and a PADI Open Water Diving Certification.

Entertainment Cruises is represented in the DC Area by a family of waterborne experiences including Spirit Cruises, Odyssey Cruises, Elite Yachts Charters and the Potomac Riverboat Company operating out of nine locations on the Potomac and Anacostia Rivers. We expect to carry over 800,000 passengers this year and employ 600 shipmates that reside in the DC, Virginia and Maryland area. Most recently, Entertainment Cruises has made a significant investment of well over \$10 million in the DC area to build and place into service four new water taxis that expand the waterborne transportation options connecting Virginia, Maryland and the District of Columbia. We designed and built these vessels to be emissions and waterway friendly with Tier 3 engines and low wake at high speed. Our vessel and docking network has also been contemplated in the DC region as an effective emergency response and evacuation service in the event of an emergency much like our vessels played in the post 9/11 evacuation effort in Lower Manhattan.

Water transportation in the DC area is an essential and under developed element to the multi-modal transportation network in the Capitol Region and is an efficient method to move people

while providing riders an excellent experience with productive travel time vs. "behind the wheel" time. The service effectively removes vehicles from the congestion on our crowded roadways. This waterway holds economic, political, military and environmental significance and the viability of this maritime system is important to the health of this region.

The Capitol Region is not the first area to see growth on its waterfront with competing demands for its use by a diverse group of waterway stakeholders including federal, state and local governments, commercial cargo and passenger vessels, and recreational users of all sorts to include, power, sail and human powered craft. Ensuring the development of the Potomac and Anacostia Rivers to encourage the proper balance of safe and effective use of these waterways is critically important for the safety of all its users and the growth of this region.

We are a company where our products, services, and several hundred local employees provide unique experiences on America's greatest waterways such as the Potomac River. We are ambassadors for the District and the entire Region, yet our viability is entirely dependent on the waterways we operate on. To that end we are currently subject to several jurisdictional bodies each with their own level of control and oversight. Given this already considerable oversight, we are leery of any additional bureaucracy but are open to learning more about what is contemplated and we welcome opportunity to give our highly qualified input. Given the sizeable cost of our existing investment and the considerable cost of expanding our services further to address the underdeveloped water transportation system now in existence, we seek to better understand any additional proposed layers of authority.

It is important to us that all organizations with oversight authority understand the critical nature of safety and the need for efficient operation in a water taxi service, as well as the importance that such a service enjoy a preferred presence as a beneficial service to the public good. Travelers seeking an alternative to land based transportation have high expectations of timely efficient service, and the future of water transportation, and the benefits it will provide on the Potomac will depend on that efficiency. Any additional oversight should understand this important principle.

If this commission is formed it will likely play a key role in effecting Public/Private Partnerships throughout the Potomac River and waterfront destinations. We encourage the Council to seek out members to join this contemplated body who have experience in the development and operation of safe and efficient services on multi-use waterways, as well as, someone who can represent maritime commerce interests in this region. Entertainment Cruises has highly qualified personnel in the DC area that would add value to such a body and we hope we would be considered:

Vice President of Marine Operations, Scott Smith has 28 years of Marine Transportation Management experience while in the Coast Guard including high profile positions as the Deputy Director for the Coast Guard's Marine Transportation System Directorate, Chief of Navigations Systems, the US Council to IALA, Designated Federal Official for the Navigation Safety Advisory

Committee and the US Head of Delegation to the International Maritime Organization's Navigation Subcommittee.

Thank you for allowing me to speak here today.

**Testimony from Jayme Johnson
320 10th Street SE, Washington, DC 20003**

**District Waterways Management Act Hearing
Wednesday May 16th, 2.30pm**

I am here today as a proud DC resident of Eastern Market since 2015. I emigrated from London with my American wife after meeting her in a bar across the street while conducting research on behalf of the British Government in 2011.

As a Metropolitan Police Inspector in London, my most interesting posting was heading up the Police Gold Desk in the National Olympic Coordination Center in 2012, where we managed the strategic coordination and risks relating to safety and security across the UK.

In that role, I learnt a very simple lesson: if you want to do the very best for the public – for public safety, security and prosperity - the more you plan, build relationships, and explore every option and opportunity available to you early, the less goes wrong and the better the outcomes for the public.

I can think of no better application of this lesson than the waterfronts and waterways of Washington, DC. But we must act now to truly benefit.

There are huge opportunities along our relatively unexploited waterways and waterfronts - community prosperity, economic benefit, and cultural growth. But there are inherent risks too – terrorism, community safety, environmental disruption, and conflict between groups as more people reside, do business or spend time.

Unless we act now, we will miss opportunities and fall foul of risks. We don't have the luxury of an event or deadline like the Olympics, but we are at a critical moment now:

- Growth along waterfronts has sped up in recent years at Navy Yard and The Wharf, with more to come
- Growth on waterways is accelerating with kayaks, water taxis and ferries, and more to come
- Growth is ongoing BUT growth is not yet overwhelming. We still have time to think and act as responsible community leaders.

If we don't act to put the strategic vision, guidance, actions and coordination in place now, quite simply, we will miss opportunities now and for generations to come.

I helped research and prepare this Act with Councilmember Allen's team. When we spoke to police officers, the fire fighters, city and federal agencies and others, it was clear that we residents are lucky – they are all doing fantastic jobs with the resources they have.

But there was no one thinking or planning about the changing landscape, demand and risks in 5, 10 15 years. That's the gap we are perfectly placed to act now to fill, and this is why we need to pass the District Waterways Management Act.

Government of the District of Columbia



Office of the Deputy Mayor for Planning and Economic Development

Public Hearing on Government Operations
B22-0522, the "District Waterways Management Act of 2017"

**Testimony of
Andrew Trueblood
Office of the Deputy Mayor for Planning
and Economic Development**

Before the
Council of the District of Columbia
Committee on Government Operations
Councilmember Brandon Todd, Chair

May 16, 2018
2:30 p.m.

John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good afternoon, Councilmember Todd and members and staff of the Committee on Government Operations. I am Andrew Trueblood, and I am the Chief of Staff in the Office of the Deputy Mayor for Planning and Economic Development ("DMPED"). I am here to provide testimony with regards to B22-522, the "District Waterways Management Act of 2017" ("the Act").

DMPED offers its assistance to work with the Committee as it considers the bill before it today.

Mayor Bowser has led the way in furthering a renaissance of the District's various waterfronts and waterways. Over the last few years, we have seen remarkable development around and engagement in our rivers, especially the Anacostia.

Mayor Bowser is continuing to implement the Anacostia Waterfront Framework Plan ("Framework") and celebrating its 15th year of existence. The Framework is one of the most ambitious development plans in the history of the District of Columbia. Spanning three decades and comprising \$10 billion worth of investment, the Framework created a plan to restore and revitalize the Anacostia River. Led by the District of Columbia Government, the Framework is embraced by 19 regional and federal agency partners through the execution of a Memorandum of Understanding. The vision is to reconnect the river to our communities, to make possible widespread access to the water and its new parks as well as recreational, cultural, residential, and commercial centers. The key elements of the Framework are creating a clean and active river through environmental restoration, eliminating barriers and gaining access through transportation, developing a great urban riverfront park system, highlighting cultural destinations

of distinct character, and building strong waterfront neighborhoods through sustainable economic development. Many District, Federal, and local agencies are working to achieve these goals including DMPED, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Department of Energy and the Environment (“DOEE”), the Department of Parks and Recreation (“DPR”), the National Parks Service (“NPS”), and several Business Improvement Districts.

While many plans, studies, policies, projects, and legislative measures have followed and supplemented the AWI, the original goals and recommendations of the forward-looking Anacostia Waterfront Framework Plan remain a foundational compass. Fifteen years later, they still resonate with continued significance and continue to be reflected in current waterfront planning work – from the Comprehensive Plan to our planning for Buzzard Point and Climate Ready DC.

Thanks to the Framework and Mayor Bowser’s efforts along the Anacostia, we have seen transformative new waterfront destinations, green spaces, and blossoming economic opportunities for District residents.

To support the Framework, in December 2016 Mayor Bowser established the Anacostia Waterfront Interagency Working Group (“AWI Working Group”). The AWI Working Group is under the Office of Planning and meets on a bi-monthly basis with the goal of enhancing interagency collaboration to maximize the potential of the Anacostia Waterfront for economic development, revitalization, recreation, and environmental value, while promoting resilience and

equity. As a deliverable of the Working Group, OP is working with other agencies to publish in July 2018 an Anacostia Waterfront Progress Report that will be a comprehensive look back on the revitalization of the Anacostia River and Waterfront and the issues and opportunities ahead. This month, the Office of Planning is leading an A WI Working Group along with River-related external organizations to complete research and develop recommendations for the Anacostia River as part of the development of the Resilient DC strategy. The group will explore how to generate improved health outcomes, biodiversity, economic activity, connectivity, cultural amenities, and recreation opportunities for District residents, while protecting low-income residents from displacement.

Investment in the Anacostia Waterway and adjacent properties has yielded gains for residents across all eight wards. For example, the new Barry Farm Recreation Center has preserved and enhanced open space, while increasing opportunities for community recreation. Future projects along the waterway include the extension of the Anacostia Riverwalk trail system and development at Poplar Point, which will include cultural and recreation uses. The recent success of the Anacostia River Tunnel System demonstrates that the Clean River Project is cleaning up our waterways and improving safe access to our rivers.

One of the best examples of our success along the river is the recent opening of The Wharf last October. This transformative project created nearly 6,000 new permanent jobs and \$94 million in direct annual tax revenue to the District. It is also the first LEED-Silver mixed-use project in the District and a new world-class destination for residents and visitors. Equally as important, the

Wharf also created opportunities to use our waterways with new transportation options such as water taxi services and a jitney across the Channel.

It is efforts like these that have brought us closer than ever to realizing Mayor Bowser's dual economic goals of growing our private sector to \$100 billion by 2021 and ensuring that residents of all wards, races, and educational attainment levels experience unemployment rates below 10 percent by 2021.

The legislation before the Committee today proposes the creation of a District Waterways Management Office ("DWMO") within the Office of the City Administrator ("CA"). The DWMO would coordinate amongst District agencies, federal entities, and third parties regarding recreational, public safety, security, environmental, and transportation issues of District waterways and adjacent property. The Act would also create a District Waterways Management Commission ("DWM Commission") responsible for developing a "District Waterways Management Action Plan" ("Action Plan"). The Action Plan would provide recommendations on safety, use, coordination, environmental conservation, economic growth strategies, and transportation needs along our waterways.

We agree that the District must be thoughtful and coordinated in regard to waterways management and planning for the future. Already, most of the functions prescribed to the DWMO and DWM Commission are being performed by existing District government agencies and are coordinated by the AWI Working Group.

The existing Framework and the active AWI Working Group provide the necessary tools to facilitate a constructive conversation with District residents and a variety of stakeholders about the smartest and most beneficial uses of the District's waterways. We are happy to work with the Council to ensure that growth and investments along our waterways are targeted to achieve the maximum benefit and reach our shared goals of safe use, environmental protection, coordinated regulation, and economic growth. Thank you for providing the opportunity to testify on the Act. I am available to answer any questions you may have.

F



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Anita Bonds

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: November 9, 2022

**RE: Legal Sufficiency Determination for B24-617, the
Office of District Waterways Establishment Act of
2022**

The measure is legally and technically sufficient for Council consideration.

This measure would require the Department of Energy and Environment to establish an Office of District Waterways. The office would be responsible for coordinating with stakeholders regarding uses of the District's waterways including facilitating communication with neighboring jurisdictions, advising the Mayor and Council on issues related to District waterways, and working with a new District Waterways Advisory Commission ("Commission") on the creation of the District Waterways Advisory Plan. The measure also establishes the membership and responsibilities of the Commission, including requiring the Commission to submit a biennial District Waterways Advisory Plan.

I am available if you have any questions.

G

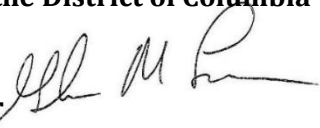
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: November 9, 2022

SUBJECT: Fiscal Impact Statement – Office of District Waterways Establishment Act of 2022

REFERENCE: Bill 24-617, Draft Committee Print as provided to the Office of Revenue Analysis on November 7, 2022

Conclusion

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill's implementation will cost \$471,000 in fiscal year 2023 and \$1.3 million over the four-year financial plan period.

Background

The bill establishes a new Office of District Waterways (Office) within the Department of Energy and Environment (DOEE). The purpose of the Office is to plan for, promote, advocate for, and facilitate coordination of waterway uses and adjacent property. The Office should work with the District Waterways Advisory Commission (Commission) described below; facilitate communication and cooperation among neighboring states, businesses, community organizations, and the federal government; and advise the Mayor and the Council on issues related to District waterways and the adjacent properties.

The bill also establishes the 24-member Commission with six voting members appointed by the Mayor, eight voting members appointed by the Council, and ten non-voting members representing District agencies or instrumentalities.¹ The bill establishes the terms, chairmanship, and expertise that each member should possess. The Commission's main responsibility will be to develop the biennially updated District Waterways Advisory Plan (Advisory Plan). The Advisory Plan should lay

¹ The bill also encourages the Mayor to request Commission representatives from four federal agencies.

The Honorable Phil Mendelson

FIS: Bill 24-617, "Office of District Waterways Establishment Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on November 7, 2022

out a strategic vision for District waterways and adjacent properties. The Advisory Plan should cover boating and recreational uses, public and private uses of adjacent properties, facilitating interagency and interjurisdictional cooperation, environmental conservation, economic growth opportunities, safety and security risk assessments, transportation gaps, and opportunities to increase local control of waterways and adjacent properties. The Commission should issue the first Advisory Plan within one year of the bill's effective date.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill's implementation will cost \$471,000 in fiscal year 2023 and \$1.3 million over the four-year financial plan period.

DOEE does significant environmental work around the District's waterways. The new Office will be dedicated to waterway and adjacent land issues and its mission will also include economic development, public safety, transportation, and related issues. DOEE will administratively support the Advisory Commission and the development of the Advisory Plan. DOEE requires one new staffer to lead the office and oversee its broader goals and interagency and interjurisdictional coordination and a second staffer to support the Advisory Commission and its activities. These staffers will cost \$196,000 in fiscal year 2023 and \$808,000 over the four-year financial plan period. Development of the Advisory Plan and biennial updates will cost \$275,000 in fiscal year 2023 and \$475,000 over the four-year financial plan period.

Office of District Waterways Establishment Act of 2022					
Bill 24-617					
Implementation Costs					
Fiscal Year 2023 – Fiscal Year 2026					
(\$ thousands)					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
DOEE Staff	\$196	\$200	\$204	\$209	\$808
Advisory Plan	\$275	\$50	\$100	\$50	\$475
Total Costs	\$471	\$250	\$304	\$259	\$1,283

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Committee Print
B24-0617
Committee on Housing and Executive Administration
November 9, 2022

A BILL

24-0617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish the Office of District Waterways and the District Waterways Planning Commission to comprehensively plan, promote, advocate for, and facilitate stakeholder cooperation for the diverse uses of and access to the District’s waterways and adjacent property, and to require the development of a District Waterways Advisory Plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of District Waterways Establishment Act of 2022”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Advisory Plan” means the Waterways Advisory Plan.

(2) “Commission” means the District Waterways Advisory Commission.

(3) “Office” means the Office of District Waterways.

(4) “Waterways” refers to the Anacostia and Potomac Rivers and the Washington Channel.

Sec. 3. Establishment; purpose and duties.

(a) The Department of Energy and Environment (“DOEE”) shall establish an Office of District Waterways.

(b) The purpose of the Office will be to plan, promote, advocate for, and facilitate stakeholder cooperation for the diverse uses of and access to the District's waterways and adjacent property, including:

(1) In coordination with the District Waterways Advisory Commission established pursuant to section 4, the creation of the District Waterways Advisory Plan;

(2) Facilitating communication between District, Maryland, Virginia, and federal government officials and agencies; businesses; community organizations; and the public on economic, public safety and security, environmental, recreation, and transportation issues relevant to the waterways and adjacent property; and

(3) Advising the Mayor and the Council on issues related to the District's waterways and adjacent property, including public improvements, maintenance, operations, programing, budgeting, resiliency, planning, and public safety and security.

(c) The District agencies listed in section 4(b)(1)(D) shall provide the Office with resources and information at the Office's request.

Sec. 4. Establishment of the District Waterways Advisory Commission; composition; duties.

(a) There is established a District Waterways Advisory Commission which shall produce a District Waterways Advisory Plan and biennial updates, pursuant to section 5.

(b) Commission members shall be appointed as follows:

(1)(A) Six voting members appointed by the Mayor, with the advice and consent of the Council, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-141; D.C. Official Code § 1-523.01(e)), one with expertise in each of the following areas:

- (i) Public safety;
- (ii) Environmental stewardship;
- (iii) Economic development or tourism;
- (iv) Maritime management or policy;
- (v) Athletics and recreation; and
- (vi) Maritime transportation.

(B)(i) One voting member appointed by the Mayor, with the advice and consent of the Council, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-141; D.C. Official Code § 1-523.01(e)), to serve as Chairperson of the Commission.

(ii) The Chairperson of the Commission shall have expertise in one of the areas listed in subparagraph (A) of this paragraph.

(C) Eight voting members appointed by the Chairperson of the Council as follows:

(i) One ward or at-large Councilmember, or the Councilmember's designee, whose election ward borders a waterway;

(ii) Two Advisory Neighborhood Commissioners whose single-member districts border a waterway, with one Commissioner representing a single-member district east of the Anacostia River and one west of the Anacostia River;

(iii) Two representatives of Business Improvement Districts that border a waterway, one required to be east of the Anacostia River and one west of the Anacostia River;

(iv) Two representatives from separate locally-managed marinas or yacht clubs located in the District; and

(v) One public member with expertise in one of the areas listed in subparagraph (A) of this paragraph.

(D) At least one non-voting member appointed by the Mayor to represent each of the following agencies:

(i) The Office of the Deputy Mayor for Planning and Economic Development;

(ii) The Office of the Deputy Mayor for Public Safety and Justice;

(iii) The Metropolitan Police Department;

(iv) The Fire and Emergency Medical Services Department;

(v) The District Department of Transportation;

(vi) DOEE;

(vii) The District of Columbia Water and Sewer Authority;

(viii) The Washington Convention and Sports Authority;

(ix) The Public Service Commission; and

(x) The Department of Housing and Community Development.

(E) The Mayor shall request the designation of non-voting members from the following federal agencies:

(i) The National Park Service;

(ii) The United States Coast Guard;

(iii) Joint Base Anacostia-Bolling; and

(iv) The Metropolitan Washington Airports Authority.

103 (c) A majority of the sitting voting members shall constitute a quorum.

104 (d) All voting members shall have equal voting power.

105 (e) All voting members shall serve for 4-year staggered terms, with no term limit;
106 provided, that of the members initially appointed under this section, the 7 voting members
107 appointed by the Mayor shall be appointed for a term of 4 years, and the 8 voting members
108 appointed by the Council shall be appointed for a term of 3 years. The terms of the members first
109 appointed shall begin on the date that a majority of the first members are sworn in, which shall
110 become the date for all subsequent appointments.

111 (f) The Department of Energy and Environment shall provide administrative resources
112 for the Commission.

113 Sec. 5. District Waterways Advisory Plan.

114 (a) Within one year of the applicability date of this act, and every two years thereafter,
115 the Commission shall develop and publish a District Waterways Advisory Plan (“Advisory
116 Plan”) to create a strategic vision for the District waterways and adjacent property. In developing
117 the Advisory Plan, the voting members of the Commission shall interview all non-voting
118 members, or another representative from those agencies. The Commission shall use these
119 interviews and any additional research necessary, including consultations with subject-matter
120 experts, to inform the Advisory Plan’s recommendations. The Advisory Plan shall include
121 recommendations for the following:

122 (1) The orderly, safe, and efficient use of the waterways for boating and
123 recreation;

124 (2) The public and private use of the property and infrastructure adjacent to the
125 waterways;

(3) Promoting and facilitating interagency and regional cooperation on issues relevant to the waterways and adjacent property;

(4) Environmental conservation and management of the waterways and adjacent property;

(5) Strategies for coordinated economic growth on and adjacent to the waterways;

(6) Assessments of safety and security risks and needs on and adjacent to the waterways;

(7) Identification of transportation gaps on and adjacent to the waterways; and

(8) Opportunities to increase local control of the waterways and adjacent property.

(b) The Commission shall meet at least once every month until the first Advisory Plan is published and at least quarterly thereafter.

(c) The Commission shall gather public input for the Advisory Plan and biennial updates as follows:

(1) At least 90 days prior to publishing the Advisory Plan or a biennial update, the Commission shall hold at least two public meetings, one located east of the Anacostia River and one located west of the Anacostia River.

(2) At least 60 days prior to publishing the Advisory Plan or a biennial update, the Commission shall publish a draft Advisory Plan or biennial update and provide a 30-day public comment period.

(3) Each regular monthly or quarterly meeting of the Commission shall provide for a period for public comments, which shall not be limited in time, except that the time allowed each individual speaker may be reasonably limited.

(d) The Council committee with jurisdiction over the Department of Energy and Environment shall hold a hearing no later than one year following the release of the Advisory Plan.

Sec. 6. Open meetings.

Proceedings of the Commission shall be subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

Sec. 7. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 8. Fiscal Impact Statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

171 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
172 21, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
173 Columbia Register.